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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M887

RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA V. KARL BRANDT ET AL. (CASE I)

NOVEMBER 21, 1946-AUGUST 20, 1947

Roll 7

Transcript Volumes (English Version)

Volumes 16-18
Apr. 9-30, 1947



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1974

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

INTRODUCTION

On the 46 rolls of this microfilm publication are reproduced the records of Case I (*United States of America v. Karl Brandt et al.*, or the "Medical" Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 30 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. The prosecution and defense briefs and answers are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-570, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in four bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts, exhibits, and the official court file.

Case I was heard by U.S. Military Tribunal I from November 21, 1946, to August 20, 1947. The records of this case, as the

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records of the other Nuernberg and Far East (IMTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Brandt case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

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The crimes charged in the Brandt case consisted largely of medical experiments performed on defenseless concentration camp inmates against their will; "euthanasia" carried out on the mentally defective, the physically sick, the aged, and ethnic and racial groups; and the murder of concentration camp inmates for the express purpose of collecting skulls and skeletons for the Anatomical Institute of the Reich University of Strassburg. The following medical experiments were conducted:

1. High altitude: to investigate effects of low pressure on persons.
2. Freezing: to test human resistance to extremely low temperatures.
3. Malaria: to develop controls over the recurring nature of the disease.
4. Mustard gas: part of a general research program in gas warfare.
5. Sulfanilamide: to test the efficacy of the drug in bone muscle and nerve regeneration and bone transplantation.
6. Seawater: to test methods of rendering seawater potable.
7. Epidemic jaundice: to develop an antitoxin against the disease.
8. Sterilization: to test techniques for preventing further propagation of the mentally and physically defective.
9. Typhus: to investigate the value of various vaccines.
10. Poison: to test the efficacy of certain poisons.
11. Incendiary bomb: to find better treatment for phosphorus burns.

The prosecution alleged and the judgment confirmed that these experiments were not isolated acts of individual doctors and scientists on their own responsibility but that they were the result of high-level policy and planning. They were carried out with particular brutality, often disregarding all established medical practice. Consequently, large numbers of the victims died in the course of or as a result of the experiments.

The euthanasia program was the direct result of a directive by Hitler of September 1, 1939. It resulted in the secret killing not only of aged, insane, incurably ill, and deformed German citizens in sanatoriums in Germany but also in the clandestine murder of foreign workers. The killing in gas chambers and by injections in the sanatoriums served as a proving ground for these forerunners of much larger installations in the mass extermination camps.

In addition to these experiments, over 100 concentration camp inmates were killed for the purpose of obtaining their skeletons. Their ghastly remains were found in Strassburg by Allied troops.

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The transcripts of the Brandt case include the indictments of the following 23 persons all of whom were physicians except defendants Rudolf Brandt, Viktor Brack, and Wolfram Sievers:

Karl Brandt: Personal physician to Adolf Hitler, Gruppenfuehrer in the SS and Generalleutnant (Major General) in the Waffen SS, Reichskommissar fuer Sanitaets- und Gesundheitswesen (Reich Commissioner for Health and Sanitation), and member of the Reichsforschungsrat (Reich Research Council).

Kurt Blome: Deputy [of the] Reichsgesundheitsfuehrer (Reich Health Leader) and Plenipotentiary for Cancer Research in the Reich Research Council.

Rudolf Brandt: Standartenfuehrer (Colonel) in the Allgemeine SS, Persoenlicher Referent von Himmler (Personal Administrative Officer to Reichsfuehrer SS Himmler), and Ministerial Counselor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

Joachim Mrugowsky: Oberfuehrer (Senior Colonel) in the Waffen SS, Oberster Hygieniker, Reichsarzt SS und Polizei (Chief Hygienist of the Reich Physician SS and Police), and Chef des Hygienischen Institutes der Waffen SS (Chief of the Hygienic Institute of the Waffen SS).

Helmut Poppendick: Oberfuehrer in the SS and Chef des Persoenlichen Stabes des Reichsarztes SS und Polizei (Chief of the Personal Staff of the Reich Physician SS and Police).

Wolfram Sievers: Standartenfuehrer in the SS, Reich Manager of the "Ahnenerbe" Society and Director of its Institut fuer Wehrwissenschaftliche Zweckforschung (Institute for Military Scientific Research), and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

Karl Genzken: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS and Chef des Sanitaetsamts der Waffen SS (Chief of the Medical Department of the Waffen SS).

Karl Gebhardt: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS, personal physician to Reichsfuehrer SS Himmler, Oberster Kliniker, Reichsarzt SS und Polizei (Chief Surgeon of the Staff of the Reich Physician SS and Police), and President of the German Red Cross.

Viktor Brack: Oberfuehrer in the SS and Sturmbannfuehrer (Major) in the Waffen SS and Oberdienstleiter, Kanzlei des Fuehrers der NSDAP (Chief Administrative Officer in the Chancellery of the Fuehrer to the NSDAP).

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Waldemar Hoven: Hauptsturmfuehrer (Captain) in the Waffen SS and Chief Physician of the Buchenwald Concentration Camp.

Herta Oberheuser: Physician at the Ravensbrueck Concentration Camp and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Fritz Fischer: Sturmbannfuehrer in the Waffen SS and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Siegfried Handloser: Generaloberstabsarzt (Lieutenant General, Medical Service), Heeressanitaetsinspekteur (Medical Inspector of the Army), and Chef des Wehrmachtsanitaetswesens (Chief of the Medical Services of the Armed Forces).

Paul Rostock: Chief Surgeon of the Surgical Clinic in Berlin, Surgical Adviser to the Army, and Amtschef der Dienststelle Medizinische Wissenschaft und Forschung (Chief of the Office for Medical Science and Research) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

Oskar Schroeder: Generaloberstabsarzt; Chef des Stabes, Inspekteur des Luftwaffe-Sanitaetswesens (Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe); and Chef des Sanitaetswesens der Luftwaffe (Chief of the Medical Service of the Luftwaffe).

Hermann Becker-Freyseng: Stabsarzt in the Luftwaffe (Captain, Medical Service of the Air Force) and Chief of the Department for Aviation Medicine of the Medical Service of the Luftwaffe.

Georg August Weltz: Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service of the Air Force) and Chief of the Institut fuer Luftfahrtmedizin (Institute for Aviation Medicine) in Munich.

Wilhelm Beiglboeck: Consulting physician to the Luftwaffe.

Gerhard Rose: Generalarzt of the Luftwaffe (Brigadier General, Medical Service of the Air Force); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Adviser for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

Siegfried Ruff: Director of the Department for Aviation Medicine at the Deutsche Versuchsanstalt fuer Luftfahrt (German Experimental Institute for Aviation).

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Hans Wolfgang Romberg: Physician on the staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

Konrad Schaefer: Physician on the staff of the Institute for Aviation Medicine in Berlin.

Adolf Pokorny: Physician, specialist in skin and venereal diseases.

The indictment consisted of four counts. Count one charged participation in a common design or conspiracy to commit war crimes or crimes against humanity. The ruling of the tribunal disregarded this count, hence no defendant was found guilty of the crime charged in count one. Count two was concerned with war crimes and count three, with crimes against humanity. Fifteen defendants were found guilty, and eight were acquitted on these two counts. Ten defendants were charged under count four with membership in a criminal organization and were found guilty.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, which acquitted 7 of the 23 defendants (Blome, Pokorny, Romberg, Rostock, Ruff, Schaefer, and Wetz). Death sentences were imposed on defendants Brack, Karl Brandt, Rudolf Brandt, Hoven, Gebhardt, Mrugowsky, and Sievers, and life imprisonment on Fischer, Genzken, Handloser, Rose, and Schroeder; varying terms of years were given to defendants Becker-Freyseng, Beiglboeck, Oberheuser, and Poppendick.

The English-language transcript volumes are arranged numerically, 1-30; pagination is continuous, 1-11538. The German-language transcript volumes are numbered 1a-30a and paginated 1-11756. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Several hundred pages are added to the transcript volumes and given number plus letter designations, such as page number 1044a. Page 1 in volume 1 (English) is preceded by pages numbered 001-039, while the last page of volume 28 (English) is followed by pages numbered 1-48.

Of the many documents assembled for possible prosecution use, 570 were chosen for presentation as evidence before the tribunal. These consisted largely of orders, directives, and reports on medical experiments or the euthanasia program; several interrogation reports; affidavits; and excerpts from the *Reichsgesetzblatt* (the official gazette of Reich laws) as well as correspondence. A number

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of the medical reports were accompanied by series of photographs and charts of various experiments.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations or additional certificates. A few exhibits are original documents, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
301	NO-1314	410	NO-158
307	NO-120	441	NO-1730
309	NO-131	443	NO-890
310	NO-132	451	NO-732
357	1696 PS	462	NO-1424
362	628 PS	507	NO-365
368	NO-817	546	NO-3347
403	616 PS		

No certificate is attached to several exhibits, including exhibits 433, 435-439, 462, 559, and 561. Following exhibit 570 is a tribunal exhibit containing the interrogation of three citizens of the Netherlands. Number 494 was not assigned, and exhibit 519 is followed by 519a and 519b.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* excerpts, and other items. There are 901 exhibits for the defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, biased descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal. Pages 81-84 of prosecution document book 1 are missing. Books 12, 16, and 19 are followed by addenda. The document books consist largely of mimeographed pages.

The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas and defense answers to prosecution briefs follow a similar

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scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

The English-language final pleas, closing briefs, and replies to prosecution briefs of several defendants are missing, as are a few German-language closing briefs and replies to prosecution briefs.

At the beginning of roll 1 are filmed key documents from which Tribunal I derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of the members of Tribunal I and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the Brandt case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Milch case, M888, the List case, M893, the Greifelt case, M894, and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office: 1950-53), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

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John Mendelsohn wrote these introductory remarks and arranged the records for microfilming in collaboration with George Chalou.

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Roll 7

Target 1

Volume 16

Apr. 9-15, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 16**

**TRANSCRIPTS
(English)**

9-15 April 1947 pp. 5594-5971

Official Transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 9 April 1947, 0930-1630, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the court room.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants are all present in the court.

THE MARSHAL: May it please your Honor, all defendants are present with the exception of the Defendant Oberheuser, absent due to illness.

THE PRESIDENT: The Tribunal having received a certificate from the prison doctor to the effect that Defendant Oberheuser is unable to appear in court today, she will be excused from attendance for this day, it appearing that her interests will not be jeopardized by her absence.

The Secretary-General will file the certificate from the prison physician.

Counsel may proceed.

HELMUT POPPENDICK - Resumed

DR. BOEHM (Counsel for the Defendant Poppendick): Mr. President, I should like to continue in my interrogation of the witness Poppendick.

DIRECT EXAMINATION (Continued)

BY DR. BOEHM:

Q Regarding the incendiary bomb experiments on 5 January 1944, in Ding's diary, No 265, Prosecution Exhibit 12, page 48 in the English Document Book entry according to which the minutes of these experiments were sent to the Reichsarzt-SS to be forwarded to the Hadausenwerke. The witness Kogon believed that he read that these

reports went to you. Did you ever see such a report?

A No, at least I cannot recall ever having seen such a report with pictures. I certainly should have noticed the pictures.

Q Was it customary for experimental reports to be sent to you?

A No, such reports were sent direct to the Reichs physician. Correspondence with staff members in such matters was principally forbidden. If despite that such a case did arise, namely, if someone because he didn't know any better sent such a report to someone who shouldn't receive it, then the report would nevertheless still have gone to the Reichs physician.

Q Did you know the Madaus Works?

A As I have already said, I know the name only from medical periodicals.

Q Do you know Dr. Koch?

A No.

DR. BOEHM: In connection with this question, I shall subsequently submit Dr. Koch's affidavit which arrived within the past days as evidence for Dr. Mrugowsky, in which Dr. Koch says that he did not know Poppendick that no correspondence was sent through Poppendick to him, or to the Madaus Works.

BY DR. BOEHM:

Q Did you know the Higher SS and Police Leader Woyrsch who was stationed in Dresden?

A I only know his name.

Q Did you attend any conferences at which there was discussion of experiments with the drug R 17?

A No.

Q Do you know the drug R 17 at all?

A No, I did not know about it until this trial.

Q Did you have anything to do with the taking of the contents of the incendiary bombs Buchenwald or did you know of this?

A No, not that either.

Q In other words, you had no connection with the planning or direction of incendiary experiments described by the prosecution nor were you the competent expert whose job it was to concern himself with this whole question?

A No.

MR. BOEHM: I submit now HPO 7, an affidavit of Dr. Dirchort, in this connection, which is on page 18 of the document Poppendick book. I submit it as Poppendick Exhibit No. 9. At the moment I shall read point 2 of this affidavit. I quote:

2. Treatment of phosphorus burns with "R 17".:

The dropping of phosphorus incendiary bombs made it necessary to find the appropriate means for its treatment. Since the usual copper sulfate solution did not show satisfactory results, the firm of Dr. Madaus of Dresden sought another medium to dissolve phosphorus. They found this in a liquid which they manufactured and called "R 17" (carbon tetrachloride). The effectiveness of R 17 was proved by the firm of Dr. Madaus through the experiments on rabbits.

After these rabbit experiments were concluded Dr. Madaus asked the Higher SS and Police Leader v. Woyrsch of Dresden to watch these experiments. Since my emergency office was at the premises of Gruppenfuhrer v. Woyrsch, he asked me to come along to the firm of Madaus in my capacity as a physician and to observe these experiments. That was in the fall of 1943. In accordance with the request of Gruppenfuhrer v. Woyrsch and the firm of Madaus, I reported to the Reich Physician SS and Police on the results in the treatment of phosphorus burns found by the firm of Madaus; I suggested to him to include the product R 17 in the first-aid kits for air-raid precautions. Grawitz promised an investigation. For this purpose, some time later, he sent Dr. Ding, in his capacity as hygienist, to Dresden and ordered me to arrange for Ding to go to the Madaus firm and see the results with the drug R 17 obtained by that firm. I did so. Ding came to Dresden and in my presence watched the experiments

mentioned. He declared later that he would investigate the efficacy of that preparation, also on rabbits, in Buchenwald, upon orders of the Reich Physician SS. He asked that the firm Madaus should place the preparation R 17 at his disposal. Immediately after the inspection of the firm of Madaus he left Dresden again.

It is also known to me that Dr. Ding had requested the office of the Higher SS and Police Leader to supply him with the contents of an English incendiary bomb; this request was, as far as I know, filled by the Police President of Leipzig. Dr. Ding sent for the drug and the incendiary bomb.

It is also known to me that Ding made a report about his experiments; I know this, because Ding inquired several times at my office in Dresden, both in writing and by telephone, whether the report was there, since he could not find it. It was supposed to be a report with illustrations. Whether the report went through my office, I do not know, as I used to be in Dresden only one day each week. At the time when Ding was looking for the report, it was not in my office. I presume therefore that he sent it directly to the firm of Madaus, since they were interested in his investigations.

"As I had heard nothing for some time from the Reich Physician, as to whether R 17 was to be included in first-aid kits for air-raid precautions, I asked the Reich Physician about it. He explained to me that the preparation would not be introduced, since it merely dissolved the phosphorus but did not directly help in the healing of the burns. Another source, however, was producing a preparation which combined both these qualities, and this one was to be introduced."

The prosecution in the course of its case mentioned the method of treatment of the Danish physician Dr. Vaernet, who carried out transplantations on homosexuals and people who were prematurely old; what do you know about this?

A. I heard once that Dr. Vaernet was working in Prague in a pharmaceutical factory on the technical development of a hormone pill. This tablet had a certain shape and he called it artificial gland.

Q. In this connection I submit the Baier Affidavit, Document HPO 12, page 33 of the Document Book Poppendick, it will be Poppendick Exhibit 10. I quote from the third paragraph:

"At Himmler's order Dr. Vaernet was given a suitable laboratory in the Heilmittel-G.m.b.H. in Prague, which was subordinate to the WVHA. Dr. Vaernet worked there in Prague in the year 1944.

"Equipment and personnel were placed at his disposal. As we know, Dr. Vaernet is said to have worked as an independent scientist on the development of the artificial gland, which had been patented. He was convinced that his scientific method would be successful and worked continuously on it.

"As far as I remember, Dr. Vaernet was said to have had successful results on his Danish private patients in his treatment with the artificial gland, which was perhaps not technically perfected.

"I, myself, saw the so-called artificial gland during a visit in Prague. It was a small tablet, in the shape of a cylinder, only a few millimeters thick, its diameter I estimate, was no more than 1 cm. The outer edge was surrounded by a silvery layer.

"Vaernet told us that these tablets were to take the place of numerous hormone injections, because after implantation in the body they were assimilated slowly and evenly.

"We were convinced of the harmlessness of this tablet, particularly since we knew that such implantations of hormone crystals were customary in medical science."

Did you speak with Dr. Vaernet?

A I met Dr. Vaernet once in Grawitz' ante-room while he was waiting there, he introduced himself to me and we spoke together. I remember that we spoke about his method, and he said that he had already employed this method in Denmark on a number of private patients with very good success. If I recall correctly, Dr. Vaernet wanted to have a pure hormone substance for his technical work, which was difficult at that time to obtain.

Q The prosecution has put in Document 1300, Exhibit 289, which you signed and which concerns Dr. Vaernet's activities; this letter asks Dr. Ding to place laboratory facilities at Vaernet's disposal if it should become necessary; how does it happen that you signed this letter?

A This, as I remember, is a case similar to the one of which I spoke yesterday; namely where Grawitz dictated the letter and told the secretary he did not want to wait to sign it or I should do so. I read the letter here, and this is not my style of letter-writing. In connection with such an experiment as Vaernet was carrying on, I would not have used the words "humane experiments". I would use the word "implantation" and the vocabulary in the letter is not mine in general. In addition I was not familiar with the connections mentioned in it.

Q This letter was addressed to Ding although his name was Schuler?

A I assume that the secretary asked what the heading was to be and since I did not know that Ding was already named Schuler I said

Ding.

Q How does it happen that the letter is addressed to the Concentration Camp Buchenwald and not to the Typhus and Virus Research Institute at Buchenwald, which would have been more correct?

A I did not know anything more precisely about Ding's address at Buchenwald; I did not know the name of the Institute at Buchenwald and consequently I just had it addressed to the Concentration Camp at Buchenwald, and I knew that it would arrive.

Q Do you know whether Ding had a further correspondence with the Reichs Physician in this matter, which you found out about?

A I cannot recall ever having seen such a letter, but I think it is quite possible that Ding answered this letter and stated that Vaernet could make use of the laboratory facilities at Buchenwald.

Q Kogon testified that Ding wrote a letter to you, in which he did not report in detail about experimental results, he did give you general information about the activities of Vaernet; did you receive such a letter?

A As I remember neither from Vaernet, nor from any one else, nor from Grawitz, did I see such a matter.

Q Kogon said that Vaernet used his method on at least fifteen persons, he said further that Vaernet's treatment was the partial cause for two deaths; did you know anything about that?

A No, I do not know of fifteen persons nor do I know how many people he had applied his method to; and this harmless method could certainly not have led to fatalities, I consider that out of the question.

Q In the letter to Ding there is mention of Vaernet wanting to carry out preliminary examinations on persons for which he used Ding's laboratory; the prosecution speaks of preliminary operations without ever having any proof of that; what did you imagine was meant by preliminary examinations?

A I certainly did not imagine that these were any sort of surgical

operations; in such a harmless operation as this any surgical work would have been altogether unnecessary. I can only imagine that these were blood or urine analyses to test the hormone contents, or a similar analysis to that which are frequently carried out in clinics or laboratories. Moreover Dr. Horn recently testified here that castrated persons were also available here and that these, according to the law, were criminals who had been castrated for immoral offenses legally.

Q In this letter that you signed, there was mention that further details about Vaernet's work had been sent to the camp physician, did you see this documentation?

A What this documentation was I do not know, but I did see a collection by Vaernet, a collection of literature, and of the solubility of the tablets with mathematical calculations.

Q Dr. Kirchert's affidavit, which has already been submitted, which is HFO 7, Peppendick Exhibit No. 9, reports on this matter of Vaernet's documentation and it is my intention now to read this Document regarding Vaernet's method:

1) Re. Dr. Vaernet's method of treatment:

"Grawitz and Kaltenbrunner had talked about the possibilities of applying the Vaernet hormone preparation and submitted suggestions thereon to the Reichsfuehrer SS Himmler. One of these suggestions was to sell that preparation abroad on the black market and thus to obtain foreign currency. It was also proposed to promise these preparations to foreign agents as a reward for useful information. So far as I know, these suggestions were rejected by Himmler.

"After that had happened Grawitz gave me the Vaernet file for orientation so that I would be informed in case Kaltenbrunner should raise any queries.

"I was at the time in charge of the medical care of the members of the Reich Security Main Office.

"From studying the file, I gathered the following, as far as I

still remember:

"Dr. Vaernet, a Danish physician, had used a hormone gland preparation, produced by him, with a large number of his Danish private patients. Quite a number of cases were described in the file, which showed the excellent result of this preparation. It was intended for: impotence, geriatric diseases, and finally homosexuality. The gland itself was planted beneath the abdominal skin, a completely harmless operation, and was supposed to be effective for about one year. After a period of one year, a new gland would have to be implanted.

"Grawitz told me when he gave me the file that Dr. Vaernet was going to place his process at the disposal of German medical authorities. Nothing is known to me personally about an application of this treatment in Germany.

"In the file were also mathematical calculations about the size and the type of cover of the gland in connection with the period of its absorption in the human body.

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" After I had read the file I made a note to that effect returned the file to Grawitz. A discussion with ,a;tenbrunner did not materialize."

Q What is your attitude towards these so-called experiments of Vaernet, were these experiments or simply methods of treatment?

A They weren't experiments. I " contradistinction the German " Versuch" is a much broader term than the German word "experiment." The word "Versuch" is used not only in the sense here as the prosecution uses it as the experiments, but it is used daily in every hospital and every clinic. When any method of treatment in the Charitee doesn't lead to success then Dr. His said, now we will try an experiment with such had such a method." I, other words, the word " Versuch" does not have the same connotation as the the word " Experiment" used literally. And of course in this connection professor Rostock,, as an expert, testified about the crystal implantation, and recently Dr. Horn made statements on this subject, who was an eye witness of this treatment, and both said it was a question of an internationally known method of treatment that was altogether harmless.

DR. BOEHM: In connection with the implantation of synthetic glands I submit HPO 10 and 11, both excerpts from scientific publications. These are only two of the many publications in this filed, and which describe implantation as one of the methods of hormone therapy. I submit an excerpt from Clinical Endocrinology, as Poppendick Exhibit, No.11, to be found on page 27. I should like to read a part of this excerpt:

" Excerpt from A Jores " Clinical Endocrinology" (Klinische Endocrinologie".

" A manual for physicians and students by Arthur Jores, Dr. med. habil./Hamburg.

Berlin, Published by Julius Springer, 1939. page 300:

Therapy with sex hormones.

a. Physiological preface.

.....

Some years ago, by the clarification of the chemical constitution

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of the sex hormones, the way was opened for their synthetic production, it did not take long until synthesis was achieved, thus opening a large and new field for therapy.....

.....

There can be no doubt that by means of chemically pure sex hormones it is possible to compensate fully for the functions of the gonads both in the castrated animal and in the human castrate....."

I Omitted reading 12 lines, and take up in the middle of the third paragraph at "The I₁plantation of Crystals."

" The implantation of Crystals, first introduced by Parkes and Deanosly and later repeated by Schoeller and others, proved that the better effect of esters is due to the above mentioned factors. Crystal implantation shows a clear superiority of the pure substance compared with the esters. In the experiments made by Schoeller and Gehrke, the implantation of 1 mg testosterone had a 14 higher effect than the same dose given by injection. The effect of crystal implantation also lasts much longer; the maximum effect is reached later;....."

Now, page 304:

" Therapy with male sexual hormones.

" Treatment by means of the preparation concerned has, besides the effect on the sexual sphere, a number of other effects.

" First there is a general stimulation, particularly in the case of aging persons."

I begin now, with the last paragraph of this document:

" On cases of eunuchoidism and weakness of potency, not of a purely physical nature, the necessary dose is generally smaller. In such cases, Venzmer for instance recommends 5-50 mg of testosterone propionate per dose and a total of about 10 injections.

..... The improvement in general conditions, physical elasticity, and the feeling of physical fitness are particularly noticeable. Eroticism (Eretisierung) does not occur. These observations indicate therapeutic use of male sex hormones particularly in cases of senile complaints and premature impotence. Here, also, the results reported are very good."

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Document HOP 11 is an excerpt from the "Schweizerische medizinische Wochenschrift", an article by Dr. Mueller. This is on page 29, and I put it in as Poppendick Exhibit No. 12. Here also I should like to read a few excerpts. I quote:

"Excerpts from 'Swiss Medical Weekly' (Schweizerische medizinische Wochenschrift) No. 25, 24 June 1944."

THE PRESIDENT: Do you find it necessary to read any portion of this exhibit into the record? Is it not enough to refer to it as an exhibit?

DR. BOEHM: Perhaps I don't have to read it, but I should like to read one paragraph of about eight lines. This is on page 3, page 675, at page 31 of the Document Book.

"Page 675:

"Hormones bodies under high pressure (e.g. hydraulic) but solid single crystals in particular, will naturally offer longer resistance to the process of solution than loosely pressed substances.....
... With regard to its effect, the implantation of hormones is similar to the principle which could best be called 'Glandular prothesis'. As with the intact organ whose natural function is to be replaced (e.g. the replacement of the ovary by implantation of estradiol in the case of castration), the crystal, in an infinitesimal division, in a continuous flow of small, so-to-speak physiological doses of hormones, has the same effect... Only thus can it be explained that with 'glandular prothesis' Excellent therapeutic results can be obtained."

The originals of these exhibits, can, if you wish, be seen.

Q In the course of its case the Prosecution, aside from the experiments mentioned in the indictment, mentioned also blood coagulating experiments; you were not called particularly responsible for this, but I should nevertheless like to ask you, did you know about the coagulating experiments carried on in Dachau?

A No, I knew nothing of these polygal experiments.

Q Did you know the word "polygal" at all?

A The word I have heard somewhere or another.

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Q Did you know that polygal was produced in the Ahnenerbe?

A That might have been mentioned once also, but I don't know any details.

Q If you heard that experiments were being undertaken with drug what would you have supposed that meant, that is to say you have thought they were in any way clinical experiments?

A It never would have occurred to me to think of something that was not permissible for the testing of coagulants, as surgical rooms in a hospital provide that adequate material.

Q Document 614 was put in by the prosecution as Exhibit 245, English Document Book, 11, page 25, where there is mention of an article by Rascher on the use of Polygal 10 in the Munich Medical Weekly. Rascher was accused of not having submitted this work to the Reich Physician for approval; did you see this manuscript?

A The manuscript or work by Rascher I never saw. If I had I should have remembered it.

Q Furthermore, the Prosecution put in a report on the chemical treatment of sepsis in which it is said that sepsis was induced artificially in a number of persons. This is Document NO-409, Prosecution Exhibit 249, English Document Book 11, page 57. Do you know this report that is here in question?

A No.

Q In Grawitz's papers there was a paper on artificial infection. This is Prosecution Exhibit 251 in Document Book 11, page 52, NO-994. Did you know about this case history?

A No, I did not.

Q And there is Document 114, Exhibit 324, page 13 of the English Document Book referring to biological warfare. This is a letter from Grawitz to Himmler and there is also mention of a memorandum in this letter. Did you know of this letter or of this memorandum, or did you have any knowledge of this question at all?

A No, I didn't know the letter, and I didn't know anything about the whole question.

Q Further you are accused under Point 4 of being a member of the SS. As a member of the SS did you take part in any excesses such as the prosecution of the Jews in '33 or '38?

A I never took part in any such excesses as a member of the SS.

Q In the course of the case the Prosecution mentioned many experiments that were either directly or indirectly associated with Grawitz. In view of your high rank would you not have known of these experiments?

A I had my rank as chief physician of the R. & S. Main Office, and my rank was proportionate to my position. You can draw no deductions from my rank with regard to my activities in Grawitz's office nor regarding knowledge of what happened in Grawitz's sphere. The doctors of the Masse und Siedlungs-Abt.

Office were transferred to the Reich Physician, not so that they could work under the Reich Physician, but they were to continue to be active in the Rasse und Siedlung Office.

Q In other words, you were not Grawitz's staff chief nor a person who knew all about Grawitz's work nor were you his personal advisor?

A No, I was neither staff chief nor the collaborator who knew exactly what was going on. The chief of staff is a man who stands intermediary between the chief and the other offices who represents the chief, and so far as consultation or advice is concerned, I must say that Grawitz himself was a professor of internal medicine and had no need of advice, and, moreover, this was not consonant with his nature to let subordinates advise him.

Q Did your activity in the Rasse und Siedlungs Main Office have any relation to the criminal activities of the SS?

A The activities of the Main Race and Settlement Office concerned only investigating the hereditary health and fitness of members of the SS themselves. There were no connections with people who were not SS members. In other words, it was a purely internal SS matter.

Q Did the Main Race and Settlement Office, in your opinion, have anything to do with criminal activities? Were any measures of extermination planned there or carried out?

A I did not know anything whatsoever about such things. The Main Race and Settlement Office was founded in 1932 on Darro's initiative, and its aim was to move or to persuade the population in the big cities to move to the country. This was to be done through the Settlement Office so far as the SS was concerned, and, moreover, SS members and their wives were to be submitted to a certain racial selection. That was to be the activity of the Race Office. In the course of years the so-called "Sippen-Amt" developed. This was for all practical pur-

passes the marriage office of the SS, and it developed to be the largest office in the whole organization. The activities of the Settlement Office and the Race Office remained very slight. To be sure, the Settlement Office did set up a few SS settlements, but this was limited to a few undertakings, I assume because financial matters played a role. Later the Settlement Office, and particularly in the War, concerned itself only with the development of farmers' implements and farmers' settlement. I believe it consisted only of six or eight persons, and the Race Office simply concerned itself with the training of persons who were to test the racial qualifications of members of the SS when they came up for testing. I know of no other activities of the Race and Settlement Office.

DR. BOEHM: I should like to conclude my interrogation of the witness with this and should now like to submit a few documents.

THE PRESIDENT: Are there any questions to be propounded to this witness by any other Defense Counsel?

DR. FLEMMING: Fleming for the attack.

CROSS-EXAMINATION

BY DR. FLEMMING:

Q Witness, what do you know about the relations between Grawitz and Lugowsky?

A I know only that it was a perfectly factual and sober relationship. Any closer personal relations are not known to me in the slightest.

Q In your direct examination you said that you had seen Dr. Ding three or four times at Grawitz's office. Do you consider it possible that he was more frequently there without your having seen him?

A That is quite possible because I was not always present at the office.

Q Do you know anything about the fact that Krugowsky concerned himself with specific philosophical questions which were combatted and repudiated by the Nazi Party and that he identified himself with these views?

A You are probably referring to so-called "Holismus." It was known that Krugowsky had relations with "Holistic" circles. So far as I know, this was a philosophical movement, I believe, which originated in England and which wished to deduce the laws of nature from the direct observation of nature herself, and I believe of "Holismus" it was said by the Nazis that the "Holists" had some relation with the policy Catholicism but I can't say that for sure, and it is true that Krugowsky was accused of having connections with these "Holistic" people.

Q From the point of view of the Nazi Party and the SS, being in any way concerned with this philosophical matter was a liability.

A Yes; I know that the doctrines were combatted, but I don't know by whom.

DR. THE PRO: Thank you. No further questions.

THE PRESIDENT: Any other interrogation of the witness by any Defense Counsel? There being none, the Prosecution may cross-examine.

CROSS-EXAMINATION

BY DR. HARDY:

Q Dr. Poppendick, first of all I would like to clarify in my own mind and for the Tribunal just what positions you held. Now in August of 1935 you became a physician in the Main Race and Settlement Office in Berlin.

A In 1935 the name was not yet "Race and Settlement Office". It was the Amt Fuer Bevölkerungs-Politik und Gesundheits-Pflege of the SS which was then transferred about a year later to the Race and Settlement Office.

Q Now then in 1941 you were appointed chief physician of the Main Race and Settlement Office.

A "Chief physician" is not the correct word. We use the word "main in physician", because he was not in charge of the whole Main Office but simply could give certain orders in the medical department.

Q Well, there was not any other medical man higher than you, was there?

A No, not in the Race and Settlement Office.

Q Now you held that position in the Race and Settlement Office until when?

A Autumn of '44, roughly.

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Q. Now then, will you explain what your position was in this so-called "Sippen-amt"? Was that a department of the Main Race and Settlement Office or just what was the Sippen-amt? As you explained it here?

A. The Sippen-amt was an office in the Race and Settlement Office, one office of many and in this Sippen-amt there was a Main Medical Department in which the doctors were included although this depended differently from time to time.

Q. Now then, in 1943 you were appointed to the staff of Grawitz when the re-organization of the SS Medical Services took place; is that right?

A. No, I didn't hold office the first time in 1943. That was in 1939.

Q. Now, when Grawitz had the re-organization you were appointed Chief of the Personal Staff of the Reichsarzt SS. That was in September or first of September 1943; is that right?

A. The doctors of the Race Settlement Office, really, I belonged in the summer of 1939 to the Reich Physicians.

Q. Listen to my question; on the first September 1943 you became Chief of the Personal Staff of Grawitz as Reichsarzt SS, did you not?

A. Yesterday I stated I received the title without there ever existing such an office.

Q. Then you had the title "Chief of the Personal Staff of the Office of Reichsarzt SS?"

A. Yes.

Q. Now, prior to 1 September 1943 what was your contact with Grawitz? What position did you hold relative Grawitz, if any?

A. Before 1943 since 1939 I was an ordinary member of Grawitz' staff, not having any special position in the TO as I had been transferred primarily to work in the Race and Settlement Office and I was simply used to do small jobs because I was present at Grawitz' office for hours at a time.

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Q. Now, if I understand it correctly then you held that minor position under Grawitz from about 1939 until the end; is that right?

A. Yes, that's true.

Q. And you tell us that position was one in which you handled minor tasks or special assignments; is that right?

A. Yes.

Q. More or less a general handy-man when needed?

A. No, that's going too far because I wasn't always there.

Q. Well, now then, the first time you received the title was in the re-organization on 1 September 1943; is that right?

A. Yes.

Q. Well now, after you received the title as Chief of the Personal Staff did you have any duties?

A. I wasn't Chief of the Personal Staff but Chief of the Personal Office and so titled but as I said yesterday quite explicitly Grawitz stated that he was giving specific responsibilities but in effect everything would remain the way it had been.

Q. Well, then what did you consider yourself under Grawitz? Did you consider yourself a messenger boy or a letter-carrier like Rudolf Brandt or first an advisor or just what did you consider yourself?

A. If you want to call it that, I really was a messenger boy for Grawitz because my rank and all of my activities were carried out in the Race and Settlement Main Office.

Q. Messenger is a pretty high rank when it's an SS Oberfuehrer.

A. I have already said that my rank was connected with my activities as a member doctor in the Race and Settlement Office and that you could draw any deductions about my activities elsewhere for example by the Reichs physician.

Q. Well now, did you had any connection whatsoever with Leipzig? Now, you have heard here relating to institutions at Leipzig or some such thing? Now, did you have any connection or contact with an

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institution in Leipzig?

A. I know only of one, not two institutions in Leipzig. That was the research laboratory of Professor Von Kennel, whom I know.

Q. Did you have any contact with that experimental laboratory of Prof. Von Kennel?

A. I know Prof. Von Kennel and I also remember that once I provided him with a secretary, a specific secretary who was elsewhere employed at the time by the Planning office and I went to the office where she was employed and made efforts to get her for Prof. Von Kennel.

Q. Did you have any capacity whatsoever in this Institute at Leipzig?

A. No.

Q. Well now, your contact prior to 1943, that is, 1 September 1943 with the Reichsarzt SS Grawitz wasn't a close contact. Is that the impression you wish to convey?

A. Yes.

Q. Well, how do you account for the fact, doctor, in Document NO-321 which is on page 116 of Prosecution's Document Book -- this is a document wherein Rascher and Grawitz were having their discussion concerning freezing and wherein you interrupted or you were quoted here as stating on page 116: "Well, I already had to ask Standarten-fuehrer Sievers several times to come to me to receive information. In the long-run all medical matters wind up with us any way." Now, isn't that conveying the thought you were closely connected with all of the activities of Grawitz' office?

A. This text is Rascher's text. In other words, by no means a document as to what was discussed there and moreover the rest of the letter shows this as a very one-sided coloration; I think a very specific purpose, namely, to achieve certain results with the Reichsfuehrer SS. I say that I did not make that statement in that form but Rascher conducted himself in this experiment most peculiarly and although he

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belonged to the General SS he disputed the fact that he was subordinate to the Reich Physician. Therefore, I pointed out our situation in the Sippenamt, that we too were subordinate to the Reich Physician and as necessary consequences after all medical matters did have to go through certain channels and here as the Staff Physician of the Race Settlement Office I also, outside of Grawitz' Office said something and namely, that Sievers could not not ask me to come to him in an official capacity; that I said yesterday, that argument is a distorted representation which is not true at least in this sense nor can I ever remember having discussed anything with Sievers previously.

Q. Now, you were in this gathering as stated further in this document -- I reckon that is the meeting with Rascher and Grawitz and yourself -- you were present?

A. I was called in later.

Q. When was that meeting?

A. The meeting took place at the beginning of 1943, if I recall correctly.

Q. January 1943?

A. Yes.

Q. Now, you stated on direct examination that you had visited Dachau twice; that is in 1935 and 1941?

A. Yes, that's true.

Q. Who accompanied you on your 1935 visit to Dachau?

A. I cannot say.

Q. Was Grawitz with you?

A. I didn't know Grawitz at that time and had nothing to do with him. That happened when I was connected with the Race Settlement Office, that visit.

Q. Now, was Grawitz with you in the 1941 visit?

A. No, under no circumstances.

Q. Did you say on direct that Grawitz was with you when you visited

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Dachau in 1941?

A. No, I did not say that.

Q. Then is must by interpretation -- your Honor, I will have to check that. Let's go on to the sulfa experiments, doctor. Now, you attended the Medical Conference in Berlin in 1943 when Gebhardt and Fischer reported on the results of the sulfanilimide experiments, did you not?

A. Yes. I heard that report.

Q. Were you able to ascertain from that report that concentration camp inmates were used in these experiments?

A. No, that could not be seen under any circumstance as I remember the things.

Q. Now, didn't Gebhardt tell you that could be seen readily that they experimented on concentration camp inmates or people condemned to death?

A. As far as I remember what Mr. Gebhardt say was that the experimental subjects were persons condemned to death but he didn't say they were concentration camp inmates.

Q But you in fact knew before this meeting that these experiments were being conducted at the Concentration Camp Ravensbrueck, didn't you?

A No.

Q Are you sure, doctor?

A No. I knew nothing about that.

Q Well, now, to your knowledge, did Grawitz - pardon me, strike that - to your knowledge, did Gebhardt ever submit reports to Grawitz concerning his experiments at Ravensbrueck?

A Professor Gebhardt himself said that he sent reports but I wouldn't know that particularly.

Q You never saw anything in the nature of preliminary reports originating from Professor Gebhardt concerning sulfanilamide experiments at Ravensbrueck?

A I cannot recall having seen anything in this connection.

Q Well, suppose Gebhardt sent a preliminary report to Grawitz concerning experiments with gas gangrene carried out on inmates of Ravensbrueck Concentration Camp, would you have been in a position to see it?

A No, by no means.

Q And you never saw such a report?

A I cannot recall anything of that sort.

Q Let us establish a time element, doctor. Assume Grawitz received a preliminary report from Gebhardt in June 1942 - would you have seen that report then?

A No, by no means. There was no reason why I should.

Q Would you have seen such a report if he had received it in July?

A The time doesn't make any difference.

Q Would you have seen such a report in August?

A I just said that time doesn't make any difference here. As a matter of policy such things wouldn't go to me. Occasionally I saw some

details but not in context and I couldn't tell you now.

Q What was your rank in August 1942?

A In August 1942 I believe I was Obersturmbannfuhrer.

Q Obersturmbannfuhrer, is that right? Well, I will show you the report, doctor, the preliminary report or such. I want you to identify the original. I just received it from Berlin this morning. I haven't had an opportunity to prepare it. I would like to present this to the witness for identification of his signature. Defense counsel may look at it. I will offer it formally at a later date.

Is that your signature, Dr. Pependick?

A Yes.

Q Turn to the second page of that document - just the second page. What is the subject, just the subject - the heading at the top - the subject of the report?

A "Interim Report on the Clinical Experiments at Ravensbrueck Concentration Camp by orders of the Reichsfuehrer-SS". On the 20th of 7 - 42 ----

Q That is enough. Would you kindly give that document to the defense counsel, please?

A Now, doctor, in your position as Chief, or as what you call Managing Physician in the Main Race and Settlement Office --

THE PRESIDENT: Counsel, do you desire this document marked with an identification number, having been introduced?

MR. HARDY: I was going to wait until such a time as defense counsel finished perusing the document, your Honor.

EXAMINATION CONTINUED BY MR. HARDY:

Q Can you tell the Tribunal what the negative racial policy was?

A The negative racial population policy concerned all extermination measures in contradistinction to the positive racial population to the positive racial population policy which was to be promoted by Dr. Lenz.

Q Well, now what was this negative racial policy - what was the theory behind it?

A Lenz, for instance, called sterilization which became law in the Third Reich as negative population policy and he believed that no final conclusive result could be achieved.

Q In other words, negative racial policy was that policy wherein anyone who did not meet requirements as pure Aryans would be exterminated?

A These matters were completely outside my sphere. At any rate negative population policy at the high school was not something that had to do with extermination at least not the way we studied it in college. It was a matter that concerned the relation between the identity of the German race and other people. In other words, specific groups or people having off springs or having one child less than another group of persons, then this would decrease the birth rate.

Q Well, was this negative racial policy and positive racial policy of concern to the Race and Settlement Office? That was one of your problems, wasn't it?

A No.

Q It wasn't?

A Well, yes, so far as the positive population policy played a role because it was important to the SS members to have more children than other people but actually that didn't work out that way and the SS didn't make any distinction.

Q Well, if it wasn't of interest to the Main Race and Settlement Office why did you concern yourself with sterilization?

A Me?

Q Yes, you.

A I never knew I concerned myself with that. I did not belong to any hereditary health court and that was the department that was concerned with sterilization.

Q Assume in 1941 -- let's assume this for a moment -- that you did concern yourself with sterilization in 1941. Now, would you have concerned yourself with sterilization in your capacity as physician in the Main Race and Settlement Office or in your capacity as the man who took care of special assignments of odd jobs for Dr. Grawitz. Suppose the situation ever arose wherein you would have to concern yourself with sterilization, would it arise out of your job as physician in the Main Race and Settlement Office or as position of subordinate to Grawitz -- in which capacity?

A Questions of this sort might have represented me through ---

Q Now, you testified in direct examination that you only know about legal sterilization, is that right?

A Yes.

Q Well, now let's look at Document Book NO VI, document NO 21h, Exhibit 68, found on page 51 of the English, your Honor. If defense counsel has the German copy I would appreciate it if he would submit that to the witness for the purpose of this examination. That is NO-21h under Klauberg's Section, Sterilization Section, Document Book VI.

Now, the date of this letter?

A 20 May 1941.

Q That's right. Well, now, doctor, it says here -- Reference Report to Reichsfuehrer-SS 27 May 1941." Do you know anything about that report that was made to Reichsfuehrer-SS 27 May 1941?

A I know that female sterilization was to be treated according to this Klauberg method and I also know the name but I do not know this letter. I know nothing of the report to the Reichsfuehrer. If I know anything it is only concerned with the treatment of female sterilization.

Q Well, now did you concern yourself with the treatment of female sterilization at this time here 1941, in May, June, or July?

A Me? No. I was interested in this as a doctor in the
Sippen-ant".

Q Then you wouldn't have any knowledge that they were preparing
to perform treatments, upon women, to perform experiments on women
in connection with Klauberg's method?

A I knew nothing about sterilization.

Q Nothing about it doctor? Let's see if we can refresh your
memory a little. It might be a good time to break, your Honor. We can
introduce this document after the recess.

THE PRESIDENT: The Tribunal will be in recess.

THE PRESIDENT: The Tribunal is again in session.

MR. HARDY: At this time, Your Honor, I should like to mark for identification the Document on which the defendant Poppendick recognized his signature. This is a Document, which contains a cover letter, signed by the-Reichsarts SS Dr. Grawitz, addressed to the Reichsfuehrer SS. Himmler, referring to an enclosed copy of a report by Gebhardt on experiments at Ravensbruck, and then the copy of the preliminary report by Gebhardt on experiments at Ravensbruck is attached thereto. This is Document SS 2788 and will be marked for identification as Prosecution Exhibit No. 473. This is the only copy we have of the Document, Your Honor and when it is duly processed we will then submit it formally.

THE PRESIDENT: Counsel, this Document No. 1639.

MR. HARDY: That is the next one, I am coming to, Your Honor. This is the one that was submitted to the defendant for identification of his signature, of which the court does not have a copy.

Now, we will turn to Document NO-1639, which is offered for identification as Prosecution Exhibit No. 474, which....

DR. GUN: Mr. President, I object to the submission of this Document NO-1639, because it obviously cannot be what it should be according to the contents of the first page, namely a list of physicians. In addition to that the annex bears an earlier date than the letter itself, addressed to the Reichsfuehrer SS; the letter to the Reichsfuehrer SS bears that date of 4 June 1941, whereas the so-called annex, which does not belong to it, because of its contents, bears the date of 29 May 1941; therefore, the list of the physicians who are to perform the treatment regarding sterilization must have been lost; however, in no way can the letter to the Reichsfuehrer SS Himmler, which is attached as an annex, be in any way connected with the first letter, which was signed by Poppendick.

MR. HARDY: Your Honor, the two documents that I mention here are given the same document number, obviously because in the Berlin Document Center they were found together; however, it is true that one is dated 29 May 1941 and the other is dated 4 June 1941; however, I do not propose to offer the English and the German copies as the first document, I will take up each one of them separately. One is joined to the other because they received the same document number in Berlin, they are dealing with the same subject and I submit them to Your Honor for perusal because they are original German Documents. I don't think there is any cause for objection or any cause for further comment on my part.

THE PRESIDENT: Counsel, you do not contend that these two documents, both bearing the number HQ-1639, are attached documents?

MR. HARDY: No, they are not attached Documents.

THE PRESIDENT: They are separate documents you contend.

MR. HARDY: They are separate documents obviously, found in the same file folder in Himmler's office.

THE PRESIDENT: But then of course the duplication of the HQ-1639 is in fact an error.

MR. HARDY: We don't claim it was an error, Your Honor, we contend these documents are dealing with the same subject, and they are as other as one document, and they will be fully explained when presented.

THE PRESIDENT: Now, they are of course being merely marked for identification?

MR. HARDY: That is right, Your Honor.

DR. BOETT: And then in that case, I should like to ask that the original of the second Document be submitted in order to ascertain who signed it as the first Document was signed by Poppendick and in the case of the second document there is no signature.

MR. HARDY: The signature is Dr. Grawitz on the original,
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Your Honor.

THE PRESIDENT: These documents should bear different identification numbers; I see no connection between them.

MR. HARDY: Then I will have to give them different NO numbers also, Your Honor. The Prosecution wishes to put them in as no Document.

THE PRESIDENT: They are not connected, they are not one document.

MR. JOHNS: It is my opinion that this is not permissible, these two documents have nothing at all to do with one another, they are completely separate.

MR. HARDY: Then I will give one Document the NO-1639 and the other Document NO-1639-A. Document 1639 will bear prosecution exhibit 474 for identification purposes, and Document NO-1639-A, Prosecution Exhibit 475 for identification.

I now wish to take up the Document NO-1639, and if Your Honor has looked at the original document, I should like to submit it to the witness.

Now, Dr. Pappendick, we will note that the letter on page 51 of Document Book 6, which is dated 30 May 1941, which was Document NO-214, referred to a report to the Reichsfuehrer SS on 27 May 1941; now this Document NO-1639 which is being offered for identification as Prosecution Exhibit 474 is dated 29 May 1941 and the reference is.....

THE PRESIDENT: Counsel, your Document NO-1639 is dated 4 June.

MR. HARDY: Your Honor, I now offer Document NO-1639, which is the first document, it is dated 29 May 1941, the other is dated 4 June 1941 and I marked that NO-1639-A.

THE PRESIDENT: June 4th is 1639-A?

MR. HARDY: Yes, Your Honor, which is Prosecution Exhibit No. 475 for identification. Now, this letter dated 29 May 1941,

the reference is 'Oral Report to Reichsfuehrer SS on 27 May 1941':

"Reichsfuehrer: At a conference on 27th May 1941 in the presence of Herr Professor Clausberg, concerning his new method of sterilization of inferior women without an operation, a regrettable misunderstanding has occurred:

"For developing this method Prof. Clausberg requires the women furnished for this purpose to be in his own hospital in Koenigs-huetten or in the vicinity, as the method is still being worked out, as Prof. Clausberg needs his own clinical apparatus, just procured for the purpose, on the spot, and as he must be there, personally, for operations in case of incidents.

"The matter has again been discussed in all details with Prof. Clausberg and it resulted that, under the prevailing circumstances, the carrying out of the experimental work in Ravens-brueck is out of question.

"Taking into account the exorbitant significance which such a method would have for a negative population policy and its results therefore to be of importance to support the establishment of a flawless method with all means; therefore, I beg to submit the proposal, Reichsfuehrer, to furnish Prof. Clausberg with a proper research institute in or around Koenigs-huetten and to attach it to a women's concentration camp for about 10 persons.

"Provided that you consent I beg to authorize me to discuss the matter further in your name with SS-Obergruppenfuehrer Pohl and SS Bräudenfuehrer Gluecks."

The signature appears there on: "Grawitz."

Q How, Doctor, do you know anything about these matters?

A I could only conclude therefrom that we are here concerned with two entirely different fields Clauberg dealt with, one of the fields regarding creation of sterility itself, and one regarding the treatment of sterility. I only know something of the treatment of women already sterile.

Q Well, then, as a result of this research work of Clauberg, he established a method wherein other doctors performed sterilizations. Is that a clear understanding of the situation?

A If I see correctly, the data and the physicians that are to perform the treatment and the beginning of the experiments do not tally. Even if this was correct, the result of these experiments had yet to be expected, but already at that time in the Spring of 1943 the physicians Wolf, Schultz and another two had been mentioned to me regarding their treatment of sterile SS women. These must be two distinctly separate matters.

Q Well, now it states here in the fourth paragraph of the letter:

"Taking into account the exorbitant significance which such a method would have for a negative population policy and it results therefrom," and so forth. Now, then, do you understand that to mean that the purpose of this experimentation was in order to apply a sterilization method to complete and follow up the negative population policy?

A I don't know what this expression "negative population policy" is supposed to mean.

Q It is very simple, isn't it, Doctor, that if they have persons that they consider to be in the class that is set forth in the negative racial policy or negative population policy that they could well sterilize those people and thereby use them as slave laborers or use them for work of any description and have no fear that other persons fitting into the category would be born to said persons? Isn't that very simple? Isn't that one of the purposes of the negative racial

or population policy? That is, sterilization?

A No. After reading that letter I would have only considered it as a sterilization program for those people who according to the law would have to be sterilized in any case.

Q Then the only knowledge you have of this is the legal phase of sterilization? That is, all these criminal acts were known all around you, yet Poppendick only heard of the legal phase of the sterilization, is that it?

A Whether all this went on around me I don't know. At any rate, as a physician of the Race and Settlement Main Office, I was concerned with the treatment of sterile SS women using Clauberg's as well as other physicians' methods who had a good reputation in the Reich.

Q And you never heard that Clauberg was using concentration camp inmates to experiment so as to find a better method for sterilization?

A No, and if I heard that; even if he had worked in a concentration camp, I could only have assumed that we are here concerned with similar matters, namely, the treatment of women who were already sterile.

Q Well, now, did you ever talk to Grawitz about any of these matters of feminine sterility?

A Yes, I probably spoke about female sterility to him. It is quite possible that we discussed the treatment of female sterility.

Q Well, then, during the course of the discussion of the treatment of female sterility, did you ever discuss the possibility of experimenting along those lines in order to find a more efficient and effective way to gain your goal?

A An effective way? Do you mean for the treatment of sterility?

Q The treatment, yes.

A I can't remember.

Q Well, now, we have this document NO-1639-A which is offered for identification. Now this is a letter from you to SS-Sturmabfuhrer Dr. Brehdt dated 4 June 1941. Now this is Document NO-1639-A.

which is offered for identification as Prosecution Exhibit No. 475:

"Dear Comrad Brandt!

"By order of SS-Brigadefuehrer Dr. Grawitz I enclose herewith the list of physicians who are prepared to perform the treatment of sterility as requested by Reichsfuehrer-SS.

Heil Hitler!"

and your signature. That is your signature, isn't it?

A Yes.

Q Well, now, then you maintain that this list we do not have was attached hereto and had no connections whatsoever with the program for experimentation?

A Yes, I maintain that. Yes. These are the four physicians who were supposed to treat sterile women.

DR. BOEHN: Mr. President, if I may interrupt, it is an error that we haven't got this list of physicians. The Prosecution itself submitted this list as Document NO-214, on page 48 of Document Book No. 6. The list is available. However, it was not submitted in connection with these documents since these two matters do not fit together. Page 48 of the Document Book 6. That is the German Document Book.

MR. HARDY: Page 51, Document Book No. 6, Your Honor.

Q. Dr. Poppendick, referring again to the letter which you have before you which bears your signature and is dated 4 June 1941 which states that you enclose herewith a list of physicians who are prepared to perform the treatment of sterility as requested by the Reichs Fuehrer SS; now, is the list of physicians you enclose thereto Document NO 214 which is Prosecution Exhibit No. 162 found in Document Book 6, signed by Grawitz?

A. No.

Q. That is not the same list you enclosed or attached?

A. They are the same physicians, but it is not the annex to that document. I note it bears the designation "secret" or "top secret." I know nothing about that. It cannot possibly be the annex to that letter, but I am sure they are the same physicians. It says here "Treatment of Sterility", not the bringing about of sterility, but the treatment of people already sterile. It could only have been these four physicians, because I as the head physician must have known exactly who it was.

Q. Now, when you enclosed the list what list did you enclose with this cover letter, a list you had composed or a list Grawitz composed?

A. The list comes from Grawitz.

Q. And you say the physicians named thereon are the same four physicians as named in Document NO-214?

A. I don't know the document.

Q. Don't you have Prosecution Document No. 6 before you?

A. Yes, these are the physicians.

Q. Then you exclude the possibility that when Grawitz ordered you, Doctor, to send a list of the physicians who are prepared to perform the treatment of sterility to Sturmabfuhrer Dr. Brandt, that the attachment thereto was Document NO-214, you exclude that possibility?

A. Yes, the dates are entirely different. It is already on the 30th of May that Grawitz reported these physicians to Himmler. I think that somehow this list got lost. He may have asked me once more to send the list to Brandt, because here there is mention made of a telephone conversation with Grawitz on the 4th of June. I don't know exactly what

the situation was.

Q. Suppose this document NO-214 did not contain therein as a reference the report to Reich Fuehrer SS on 27 May 1941, would you then be inclined to think that this was the list attached to the Document No. NO 1639-A?

A. If we are merely concerned with the names of the physicians then I would be of the opinion that it belonged to the first document, but I know nothing about any report to the Reich Fuehrer SS. This must have been a personal matter of Grawitz, and I don't know why this list is designated "top secret" because here we are only concerned with the treatment of sterility.

Q. Of course in the original the "top secret" is handwritten, not typewritten; it obviously may have been put on there some other date. Now, Doctor, did the list you submitted with your cover letter contain the same four names as contained in Document NO- 215, is that right?

A. Well, I only know these names in that connection. I don't know other names.

Q. Now, the date of Document NO-214 is 30 May 1941, and the date of your cover letter is 4 June 1941; they are rather coincidental, aren't they?

A. I already said that I assume that this letter of Grawitz dated the 30 May was either still enroute, which is quite probable considering the short difference of time, or that this letter had been lost. At any rate I must assume that this letter was not available and the Reich Fuehrer wanted these names; thereupon Grawitz telephoned me in the Main Settlement Office to send the list of these physicians once more to Brandt. He probably said that Brandt had gotten in contact with him, and the Reich Fuehrer wanted the names of these physicians who could advise the SS families and treat them.

Q. Alright, Doctor, will you return those documents please?

JUDGE SEERING: Just a moment, Mr. Hardy.

BY JUDGE SEERING:

Q. Witness, in the letter, Prosecution Exhibit 475 for identification only, which you have identified as your letter, there appears in the upper

left hand corner the letters and figures "AZ IV", then the figures "102-41;" what significance do those numbers have, can you say?

A. According to my knowledge this probably was the entry in the so-called letter diary where the outgoing letters were entered daily. On the basis of the documents which I have seen here I have concluded that the roman numeral refers to the volume of that letter diary, because the letters dated 1941 bear a lower number than those of the years 1943 and 1944. The second number is probably the current number contained in that volume, and the third figure obviously means the year.

A. You are of the opinion then that that is a symbol or office code number of some kind used in your office to indicate outgoing mail, is that correct?

A. It obviously does not refer to any particular field of work. These figures refer to the mail diaries where every letter was entered. That was done by the secretary, and quite irrespective of what field the letters concerned.

Q. That was done by the secretary in your office?

A. Yes.

Q. You are quite sure of that?

A. Yes.

Q. Will you please refer to Document No 214 as it appears in the English Document Book No. 6, at page 51, and I believe it appears in the German document book at page 48, and you will note in the upper left hand corner of this letter, which is signed by Grawitz, and which you say you did not send with the cover letter NO-1639A; and there appears there the symbols Roman IV, and then a dash and Arabic 102-41, which is precisely the same code number as is on your cover letter NO. 1639A; according to your previous statement then that code designation would indicate that this was a letter that came from your office also, is that true?

A. Both letters were written by Grawitz's secretary and were entered by her in the daily diary. I conclude from that that it must have been as I described it before, the first letter of Grawitz must have been lost,

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and that a telephone conversation followed and that that list had to be gotten once more. The names were the same and I probably compiled these names once more, and the secretary entered this list under the same figures, because she must have assumed that the first letter hadn't arrived and had gotten lost. That is the only explanation. At any rate both letters went to the secretary of Grawitz office. I only know of one letter though.

Q. Well, Witness, did you dictate the letter NO. 1639-A, Prosecution identification 475, which you signed?

A. I have only Document No NO-1693.

Court 1

JUDGE SEBRING: Is that the letter that you signed 1639-A?

A I can no longer say that. It's quite possible that this letter was written by the secretary personally as Grawitz had instructed her to get a list from me. Had I dictated the letter myself I probably would have dictated it all at once. Therefore, the physicians would already appear in the text of the letter.

JUDGE SEBRING: Well, you had a secretary, did you not, witness?

A No, no, that was Grawitz secretary.

JUDGE SEBRING: You had no secretary to whom you could dictate a letter if you wanted to?

A IN Grawitz's office I had a clerk at my disposal, a male clerk, who was really working with the chief dentist. Grawitz secretary generally rejected to work for me. I had difficulties with her because she always even after 1943 stated that she was only at Grawitz personal disposal and that she was not going to write any letters for me. Occasionally, however, I had to write some letters concerning SS physicians and I always had difficulties and I always had to look around for a typist for a hour who could write those letters.

JUDGE SEBRING: In this daily diary, as you call it, or list of the letters that we were sent out.- were letters which you dictated contained in the same diary as letters dictated by Grawitz were listed?

A Yes, all of the letters went through that diary -- all of the letters that went out of Grawitz' office, the medical quartermaster and the Chief Dentist had their own diary.

JUDGE SEBRING: I note that on document 1639, Prosecution Identification 474, these letters read IV (Roman Numeral 55) 98-41.

MR. HARDY Obviously a typographical error, your Honor.

THE WITNESS: I didn't quite understand, Mr. President.

JUDGE SEBRING: In Prosecution identification 474, Document No. 1639, I notice that the diary index read LV instead of IV. The Prosecutor subjects that might be a typographical error for IV.

THE WITNESS: That is obviously a mistake, to mean IV-98-41.

JUDGE SEBRING: Very well. Resume.

Court 1

MR. HARDY: While we are on this, doctor, documents you now have in your hand -- what's the file index number? Would you read it off, please?

A IV-98-41.

Q Now, would you read the file index number on the letter that you signed?

A IV-102-41.

Q Well, now would it be that this letter dated 29 May 1941 bearing the number 98 and then the letter on 4 June 1941 bearing the number 102, would it be there was only four other letters written in the meantime?

A Yes, that's possible. I already said there was very little correspondence in Grawitz's office.

Q Then the letter being 102 would be the 102nd communication coming out of Grawitz's office?

A No, the 102nd letter from the 4th volume. Every volume started a new count.

Q Well, then witness, that's rather unusual to number the letter of 30 May 1941 Number 102 and then number a letter of 4 June Number 102, if each number designates a letter?

A I didn't quite understand that.

Q I will it very clear. I will ask you once again; was this letter which is Document Number 214, Prosecution Exhibit 168, the inclosure that you mentioned in the letter signed by you on June 4th?

A There is no reference made in that letter to any other letter.

Q There is another letter too, isn't there, doctor?

A Yes, but that's only a matter that concerned the secretary. I cannot say in detail how it came about that she entered the same mail number on my letter. I can explain it by saying that a telephone conversation must have occurred where she was instructed to send the list once more because it had come lost or some such other technical reason. I can say that the first letter, bearing the same number, dated the 30 May,

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which was signed by Grawitz is not know to me. It isn't clear at all to me what the reference, namely, Report to Reichsfuehrer SS" should mean. Furthermore, I don't know why this letter is designated with " top secret" All I know are the four physicians who were named for the treatment of female sterility and who openly did work for the SS women.

Q Now, will you return the document please,?

JUDGE SEBRING: Dr. Poppendick, I notice that in both documents No-1639 and No-1639-A there appears at the top the rubber stamp file number "Secret,332-13". Can you explain the significance of both communications bearing the same secret file number?

A I can see no designation on these documents to read " secret"

Court I

JUDGE SEBRING: In the English translations before the Tribunal both documents NO-1639 and NO-1639-A appear to be marked "secret".

MR. HARDY: I may have to clarify that for you. That's a rubber stamp on the original document, and it's the personal stamp of the Reichsfuehrer SS; file number 'secret' refers to Rudolf's office and a rubber stamp put on by Rudolf Brandt's office and a rubber stamp put on by Rudolf Brandt's office when they received these communications.

JUDGE SEBRING: I assume that but I am asking the witness if he knows why this is marked with a rubber stamp "secret 332-132".

A. I really don't know how these letters were treated at the Reichsfuehrer's office regarding secrecy. This matter really need not have been kept secret. Very often it was up to the secretary whether any letter was classified "secret" or not if she didn't know whether there was any such directive regarding secrecy. At any rate, the letter which I assigned did not go out as secret. There was no reason at all to do that.

MR. HARDY: Dr. Poppendick, regarding the sulfanilimide experiments, I wish to submit to you now document -- the original of Document NO-582 which has been previously introduced into evidence as Prosecution Exhibit No. 288. This is the report that Dr. Ding submitted to Dr. Mrugowsky for publication. The second page of this report bears the stamp thereon and a pencilled signature. Is that your signature?

A. Yes, that's my signature.

Q. Will you return the document, please? Now, during the course of your direct examination you made the point rather emphatically that the testimony of Dr. Kogon was inconsistent regarding the reports which were sent to Poppendick.

Court I

You said on page 1266 "Kogon stated that the reports did not go to Poppendick", on page 1266 of the record.

Isn't it possible that Kogon stated that the reports did not go directly to poppendick?

A. No. It was asked whether I received a report. To assume a detour via a copy was wrong. Kogen did not know about my position with Grawitz. Probably he concluded from the fact that I signed a publication of Ding's with the designation of Reichsarztchef-S5 which was later sent back to Ding. Kogen most likely thought that I would have something to do with the typhus experiments or that I would have to know about them. In any case he really had no insight into the position I held in the Staff of Grawitz.

Q. We will let the record of Kogen's testimony speak for itself, doctor. Doctor, did you at any time ever act as go-between for Dr. Von Kennel in order for him to have some of his work tested at Buchenwald?

A. I cannot say that. I know that I approached Ding with reference to Von Kennel. I said already yesterday that I vaguely remembered that I tried to transmit Grawitz' desire for experiments with animals to Von Kennel. In addition there was something in connection with a secretary for Von Kennel perhaps. Ding perhaps performed animals experiments for Von Kennel, I cannot tell you in detail.

Q. Well, you never went to Ding or Mrugowsky, for instance, and said "Von Kennel wants some work done. Will you do it for him?" Did you ever act as go-between?

A. I can't remember.

Q. Well, now in your own Document Book, which was your Peppendick Exhibit 8, on page 25 - this is an affidavit of Von Kennel - he stated that his department in Leipzig never had anything to do with the hormone experiments of Dr. Vaernot, with typhus, or with experiments concerning burns. Now, do you think it is possible that Dr. Von Kennel is not being truthful in that affidavit?

A. I really can't overlook that in detail.

Q. Well, did you ever hear of the drug diaminodiphenylsulphone which for the benefit of the court reporter is spelled as follows:

d-i-a-m-i-n-o-d-i-p-h-o-n-y-l-s-u-l-p-h-o-n-e. Did you ever hear of that drug, doctor?

A. I cannot recall having heard that complicated name. I am not an expert in this field. It is quite possible that this is the chemical designation of Sulfanilamide preparations.

Q. You think if you ever heard it you would forget it?

A. That is possible.

Q. Well, let's see - Document NO-1184. This will be offered for identification as Prosecution Exhibit 476.

Is that your signature on the bottom of that document, Doctor?

A. Yes, that is my signature.

Q. This is dated 13 June 1944 - secret stamp - it is addressed to Reich Physician SS and Police.

"To the Office III in the building

"A communication from SS-Stubaf. Professor Dr. VonKennel was transmitted on June 1, 1944 the last paragraph of which reads as follows:

"We have already made experiments with Sulfonamide in Typhus cases, however, without success. Kimmig, however, has synthesised a substance of diaminodiphenylsulphone which in a mouse carrying Streptococci, is to such an extent superior to all sulfonamides that it nearly reaches a penicillin. The inoculation of human beings however still creates very unpleasant secondary manifestations, acute cyanosis. Nevertheless it is worth considering whether or not some orientation tests should be made on persons suffering from typhus in order to continue the efforts to detoxicate this remedy. Could you act as a mediator in our efforts to cooperate with some clinic?"

Now there, VonKennel has asked you to act as go-between for him, has he not in the VonKennel letter?

A. That is possible.

Q. Now we continue - "According to your communication of June 2, 1944, Diary No. 370/44, the Chief Hygienist agreed to the fact that

the Typhus Research Dept. Buchenwald should experiment with the "Dicuminediphenylsulphone" according to VonKannel and Kimmig on typhus cases in order to determine its effectiveness and compatibility. There are enclosed more detailed data re the above remedy and it is requested that they be further transmitted to SS-Stubaf. Dr. Ding, SS-Stubaf. Professor Dr. VonKannel furthermore advises that a certain quantity of the above remedy will arrive here during the next few days. Upon arrival this remedy will likewise be forwarded there.

"Professor Dr. Von Kannel considers it very advisable that Dr. Ding should call on him in his clinic in Leipzig for the purpose of discussing this rather different therapy. The necessity for absolute secrecy is stressed to all institutions concerned.

Signed Poppendick"

Now, when Dr. VonKannel asked you to act as go-between for him now did you happen to go directly to Mrugowsky and not directly to Dr. Ding?

A. I don't know whether VonKannel personally asked me to be a go-between. I don't know to whom he wrote. He probably wrote to Grawitz. As regards Ding's activities I don't know in detail what his position of subordination was, what his activity was, and so on. I merely know he was a hygienist.

Q. Well, then you assumed that Dr. Mrugowsky was chief of the Institute of Buchenwald, didn't you? Ding's superior when you wrote this letter?

A. I knew that he was a hygienist, that he had come from Mrugowsky's Institute and I, therefore, assumed that Ding belonged to that Institute. What Ding's work was in particular I didn't know at that time.

Q. Well, now it states in this third paragraph or the second paragraph I believe it is, "that a certain quantity of the above remedy will arrive here during the next few days. Upon arrival this remedy will likewise be forwarded there." That is, the drug will be forwarded to Buchenwald. Well, who was to forward this drug to Buchenwald? You?

A. No. I really cannot tell you that.

Q Did you ever receive the drug yourself from Von Kennel to send to Buchenwald?

A I can't remember that.

Q Well, we will refresh your memory, doctor in Document NO-1182 which is offered as Prosecution Exhibit 477 for identification.

Now this letter is dated 15 June 1944. That is the same date as the letter that you addressed to Mrugowsky. This letter is from Von Kennel to SS-Standartenfuhrer Dr. Poppendick regarding your letter dated June 5, 1944 wherein it states as follows:

"Standartenfuhrer,

"I enclose the first sample of the experimental preparation diaminediphenylsulfone which, for purposes of simplification I have called "VK25."

"I point out again that I proposed for the first testing experiments tablet twice, at the most three times, a day; that, quite probably, cyanosis will occur, which may be averted by intravenous injections of 10-20 ccm of 1 percent methyl - blue solution.

Heil Hitler!

Signed Von Kennel"

Now, then you did receive this, doctor, didn't you?

A I can't tell you. I really can't remember. I don't remember having received it, at any rate the letter is addressed to me.

Q Ding finally got it, too, didn't he?

A I can't tell you that, either.

Q Look at the top of the letter. See the stamp. In the stamp is "Received 21 June 1944 - then the number 144/44 with the initial D in the corner." Would you say that would be Dr. Ding's receipt?

A I can't say that. It is possible.

Q Eight days later?

A I am going into another document on the same subject. It would take two or three minutes to introduce these.

JUDGE SEERING: Did you identify this document by a number?

MR. HARDY: Yes, Prosecution Exhibit 477 for identification.

A. May I say something else about that document?

Q. Certainly.

A. It becomes evident from both letters that this is a question of a drug which has certain effects, for instance, cyanosis. I must point out that we physicians know that all sulfonamide drugs create cyanosis which can be averted by methyl-blue solution. In spite of that sulfanilamide is used today to a large extent. One, therefore, cannot draw the conclusion that these are experiments which can in any way be considered to be dangerous. In addition, on that letter MD-1184 it is necessary to inform all agencies to keep this matter secret. Now, the conclusion can be drawn for that - and no other conclusion can be drawn that any dangerous experiments were carried out the only conclusion that can be drawn is that Von Kennel wanted to keep the developments of this on preparations secret because he was maintaining a certain competition with the firms involved. For that reason he tagged his research laboratory "V".

Q. I am not interested doctor in the purpose of the experiments of the outcome of the experiments, I am merely asking you that you did act as mediary or go-between of Von Kennel and Dr. Ding. Didn't you according to this document wherein your signature appears?

A. Yes, I already said that if it refers to experimental animals and from this letter I concluded that I obviously sent one or two other letters to Von Kennel.

Q. Now, witness, in addition, you had knowledge that Dr. Hrugowsky, Chief Hygienist of the Waffen-SS, could make available facilities for experimentation of any nature at the typhus research station in Buchenwald according to this letter?

A I know that Krugowsky Institute sent out secret papers regarding how experiences gained with typhus illnesses, numbers of these people were sent to SS hospitals, where in detail it happened I cannot say. In my opinion this was a clinical test. It was possibly done on sick SS men in some SS hospitals.

Q To actually show that Dr. Ding actually received the drug I wish to introduce another document.

THE PRESIDENT: The Tribunal will now be in recess.

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 9 April 1947.)

THE MARSHAL: The Tribunal is again in session.

HELMUT POPPENDICK - Resumed

DR. FLEMING (Counsel for the defendant Krugowsky): Mr. President, the prosecution submitted this morning various documents in which the defendant Krugowsky is mentioned. In my opinion the prosecution so far as the material is concerned which it is using against one specific defendant, this material must be submitted when the defendant is in the stand, otherwise the counsel for the defendant has no opportunity to defend himself against this material. Therefore, I ask the Tribunal either to order that the material now submitted against the defendant Krugowsky should not be used against the defendant Krugowsky or that the defendant Krugowsky later be again called to the stand so that he can make statements regarding this material. The same objection I raise also on behalf of Kaufmann for defendant Rudolf Brandt who was also mentioned this morning in one of the documents.

MR. HARDY: Your Honor, I am afraid that the defense counsel isn't aware of the concept of rebuttal evidence.

THE PRESIDENT: The documents to which defense counsel refers have merely been marked for identification; they have not yet been even offered in evidence. When they are offered in evidence, counsel for any defendant may be heard to interpose any objection to the admission into evidence which he thinks may be well taken. The Tribunal will then rule upon the admissibility of the documents. Of course, if these documents are offered in evidence at this time or when they are offered, any defendant would have an opportunity to take the stand and explain anything in connection with those documents that might refer to him.

CROSS EXAMINATION (Continued)

BY MR. HARDY:

Q. Just before the recess we were discussing document NO 1182 which was addressed to the defendant Poppendick concerning the drug VK 25.

This letter is addressed to you, Dr. Poppendick, and I ask you again did you receive this first sample of the experimental preparation VK 25, as outlined in this letter from Vonkennel?

A. To speak honestly, I cannot say one way or the other now.

Q. Well, assume that you did receive it, would you have then passed it on to the Hygiene Institute of the Waffen SS for delivery to Ding yourself?

A. I can't say that either.

MR. HARDY: Well, now, Document NO-1185. We offer this at this time for identification as Prosecution Exhibit No. 478. This document is dated 21 June 1944, addressed to SS Hauptsturmfuehrer Prof. Dr. Scharlau, Hygiene Institute of the Waffen-SS, and Herr Ding acknowledges receipt of one small bottle of Diamindodiphonylsulfon tablets as testing quantity for the clinical station of Department for Typhus and Virus Research. The tablets originate from Prof. Dr. Vonkennel, Leipzig, then in parenthesis, see our letter of June 15, 1944, signed Doctor Erwin Ding.

BY MR. HARDY:

Q. Now, at the top of this letter you will notice underneath the word "subject" the words "Re: Your letter dated June 19, 1944". Now, taking this letter into consideration and looking back at the letter addressed to you of 15 June 1944, would you state that these samples were sent to you by Vonkennel and were in turn delivered to the Hygiene Institute of the Waffen-SS who in turn on June 19, 1944, sent them on to Dr. Ding? Is that a reasonable explanation of the manner in which Dr. Ding received this drug at Buchenwald?

A. I am not in a position to make statements about what route these drugs took. I cannot remember that I received it. It is quite possible that it went on its way without my personal participation at all.

Q. Now, doctor, the prosecution has introduced Document Number NO 1500 as Prosecution Exhibit No. 289 which was admitted into evidence on 7 January 1947. This is a document concerning the hormone research of SS Sturmbannfuhrer Dr. Vaernet. Will you kindly look at the bottom of

that document and tell me whether or not that is your signature, doctor?

A. Yes, that is my signature.

MR. HARDY: No further questions.

THE PRESIDENT: Any further questions of this witness on the part
of any defense counsel?

RE-DIRECT EXAMINATION

BY MR. BOEHL (For defendant Peppendick):

Q. Witness, this morning you were shown a photo copy, which I unfortunately have not yet received, but I believe you will be able to recall it; it was initialed by you, "A certified true copy, Peppendick." This concerned itself with gas gangrene, and was addressed to the Reichsfuhrer - SS Himmler. Did you compare this copy with the copy drawn up by the secretary before you certified the correctness of the copy?

A. No, in no case, because the secretary was Grawitz's confidant, settled all sorts of matters for Grawitz, but did not sign such matters, particularly not matters directed to the Reichsfuhrer himself. That had to be signed by an officer, and it happened several times that I was asked by her for a signature, and she told me that she had made a copy of such and such a document, that it was a correct copy, and that I should please put my signature to it as a certification; and since this secretary had Grawitz's complete confidence I always assumed everything was in order. I know nothing about the experiments in Ravensbruck except what I heard when it was reported.

Q. This is an interim report on the clinical experiments in Ravensbruck. Were you the technical manager or the treasurer of this thing?

A. No.

Q. Did you read it before you signed it?

A. I think that is most improbable.

Q. The document seems to indicate that you would know the contents of the document if you certified its correctness.

A. Under other circumstances that might be so, but in Grawitz's office where, as I said, the secretary took care of these matters with Grawitz's complete confidence, that was not customary. I could accept the secretary's word as a guarantee.

Q. In other words, you certified that the contents were correct

without having read it?

A. Yes, that is just what happened.

Q. This morning Exhibits 474 and 475 were submitted; a letter of 4 July 1941 regarding the treatment of female sterile persons; in other words, the treatment of a woman who is sterile. This letter, too, is initialed or signed by you. There was also another letter submitted concerning sterilization of women. Do you know of any connection between these two letters?

A. No, as I said before, I had no experience whatsoever with sterilization.

Q. The second letter is signed, not by you but by Grawitz. In other words, you knew only of the first letter, Exhibit 475?

A. Yes, in connection with the treatment of sterile SS-wives and which this letter concerning me in my capacity as a doctor in the Sigpenant.

Q. And the doctors here mentioned are Krauberg, Wolf, Ehrhard, Guenter -- they being the doctors to whom this report was made.

A. The last man's name is Schulze; Guenter is the first name; Schulze is the last.

Q. Yes, that is right. My error. At any rate, you know nothing about the contents of the second document concerning sterilization of women. You found out about it the first time today?

A. Yes, sir, that is all I knew about it.

Q. There is another document submitted, 476, from Reichsfuehrer-SS, Reich Physician, police and SS concerning the drug VK 25 that was spelled out this morning. I now should like to ask you whether you were the competent expert who worked with Von Kennel?

A. No, Von Kennel took care of his matters personally with the persons involved. As I have already said, I once provided him with experimental animals and that is probably the reason why Von Kennel wrote to me in this connection. That can only have happened this once. And thereupon I worked on the matter; or, it can also have been that Grawitz

said that I should write a letter to VonKonnol, because, as a matter of fact, these matters didn't concern me at all; it was just accidental that I had anything to do with them.

Q. The last document submitted to you, which was addressed to you by Prof. Dr. VonKonnol, describes the production of this drug and points out that it was sent to you. Do you know of any experiments in this matter? Did you know that experiments were being carried out with this drug VE25, or were to be carried out?

A. Most certainly I did not, because I remember nothing about it. Moreover, I am persuaded that in this case also it was not a question of experiments, but that the trying out of this drug was being carried out in any clinic.

Q. Quite so; and you know where this drug was to be tried out?

A. In some clinic or an SS hospital.

Q. You are assuming that?

A. Yes, that is so.

Q. Above all, you didn't know that there were to be any sort of criminal experiments in this connection - experiments which could lead to the death or serious wounds, -- wounding of human beings?

A. No. There was no reason to even think of such a thing.

Q. Now, if I may summarize, I should like to ask you: You had no orders, you gave no orders to carry out criminal experiments, you did not instigate such experiments, or knowingly support such experiments?

A. I can answer all these questions with no. It was only here in this courtroom that I found out about the experiments that were carried out, but I had nothing to do with these things and I had no reason to suppose they were going on.

Q. Did you not in official conversations find out about experiments carried out on concentration camp inmates against their wills and which lead to death, crippling, or other forms of cruelty or torture?

A. No; if there had been any conversations about that it must have

struck me especially, but it was not the subject of conversation. When there was talk around the office actual matters were discussed; the front-line situation, the last bombing on Berlin, or such things, but there was no discussion of such things as you just mentioned.

DR. BOEHM: No further questions, Your Honor.

THE PRESIDENT: Any other examination of this witness by any of defense counsel?

DR. SLUTER (for Blome): Mr. President, I should like to ask one question which I could not ask before because I was ill. I have only one question.

THE PRESIDENT: Counsel may proceed.

BY DR. SLUTER:

Q. Witness, you recall the meeting at Hohenlychen?

A. Yes.

Q. You know which meeting I am referring to?

A. Yes, the last conference in May 1944.

Q. That was the conference regarding which the prosecution submitted a list of those present; and you saw that?

A. Yes.

Q. In this list of participants there is a mention of SS-Obersturmbannfuhrer Dr. Gross. Do you remember that? There has been considerable discussion of that here. Do you know this SS-Obersturmbannfuhrer Dr. Gross who took part in this meeting at Hohenlychen?

A. I do know a Dr. Gross who was, I believe, an SS-Obersturmbannfuhrer in 1944. He was chief physician of the SS hospital in Riga and I believe I remember that this Dr. Gross was present at the meeting at Hohenlychen because I think I saw him there.

Q. You have heard here on several days that a certain Dr. Gross was a collaborator of the co-defendant Dr. Blome; you heard that here?

A. Yes.

Q. Is this Dr. Gross whom you mentioned and know as the chief physician of Riga identical with the collaborator Dr. Gross who

collaborated with Dr. Blome; or is that another Dr. Gross?

A. That must have been another Dr. Gross. I know from hearsay that there was a second Dr. Gross who, I believe, was a hygienist. However, I do not know him. At any rate, he was not the one I saw at this meeting at Hohenlychen but, as I said, was the chief physician in Riga. He was the one who was at Hohenlychen, not the hygienist.

Q. Did you know Prof. Dr. Blome before?

A. I heard the name once before but I didn't know him personally.

Q. Did you see Dr. Blome at this meeting at Hohenlychen?

A. No.

DR. SAUTER: No further questions. Thank you.

DR. BOHEM: Mr. President, I am through interrogating the witness Poypondick. I should merely like now to submit a few documents.

THE PRESIDENT: There being no further questions to the witness, the defendant may resume his place in the dock. Counsel may proceed.

(Witness excused).

DR. BOEHM: Dr. Jung already submitted an affidavit, I should like to read part three, which has not yet been read. This is HPO-2, Poppendick Exhibit No. 2, the part which I shall read is on page four:

"3. The personality of Poppendick and his activities:

"I met Poppendick fleetingly in 1937 or 1938 and again when I took up my duties in the Medical Inspectorate in Berlin, where he was the chief of the medical department of the Race and Settlement Main Office; I do not remember exactly what the department was called officially. As far as I remember, Poppendick, in this capacity, dealt with the medical supervision of eugenic and matrimonial questions which reached the Race and Settlement Main Office. This department of Poppendick, together with its small group of male and female workers, was subordinated in medical questions directly to the Reich Physician toward the middle of 1939. Poppendick worked for the Race and Settlement Main Office in this capacity until the outbreak of the war, when he was drafted into the army-and, as far as I remember, later as well.

"I saw Poppendick frequently during this time and I had the opportunity of forming a picture of his personality which I judge as follows:

"Poppendick is a man who is conscientious and reliable in his routine work; basically serious, but a bit soft and in need of spurring on. He seemed to be interested exclusively in his specialized training (internist) and in his professional routine duties in the Race and Settlement Main Office. His way of living was calm and sober, in intercourse with others he was reserved.

"As far as I came into contact with Poppendick and his work during the short visits when I reported in Berlin during the war, nothing seemed to have changed as far as his position and his tasks were concerned; and equally, the reorganization of the office was not much in evidence except that there were more people there.

"Let us as well, I never met anybody in the antechamber except the secretary, and I was not under the impression that anything had changed in the way visitors or experts were received or treated. I never had any knowledge of the institution of a 'Private Office' in 1943. There was no outward sign of one.

"I know from conversations with Poppendick that he tried several times to be sent to the front again, but it seems that these attempts led to nothing, perhaps partly because Poppendick was promoted to ranks in accordance with his appointment and it was difficult to give an appointment at the front to a man of his rank and without front line experience. I remember that when I congratulated him on his promotion to Standartenfuhrer, he said angrily that this promotion was neither in accordance with his intention nor his wishes, because now he could calculate for himself how difficult it would be for him to get a front-line appointment.

"As I have said above, Dr. Grawitz was included to make judgments on external appearances. Certainly these promotions had some connection with this tendency."

It is signed and certified.

Further, I should like to read from the already submitted Document HPO 7, Exhibit No. 9, the Kirchert Affidavit, I should like to read part 3, which concerns Grawitz office and Poppendick's activities in this office.

The passage is on page 20 of the Document book:

3. Routine at the Office of Grawitz:

"As Reich Physician of the SS and Police, Grawitz was my superior officer in the health service, and I had frequently to make reports to him. On these occasions, I had the opportunity to obtain some insight in the workings of his office.

"The appointment with Grawitz was made by telephone through his receptionist, Fraeulein Sommerfeld. It was from Poppendick, whom I had telephoned several times to make an appointment, that I learned that appointments should be made not through him but through Fraeulein Sommerfeld. When, at the appointed time, one presented oneself in the reception room of the Reich Physician, where Fraeulein Sommerfeld sat alone, it was she who announced one's arrival to Grawitz by house telephone.

"Grawitz was in the habit of conducting conferences in complete privacy, irrespective of whether important matters or matters of secondary significance were at stake. He used to keep the documents connected with the conferences in his desk. If it should happen that a written communication had to be prepared during the course of a conference, Fraeulein Sommerfeld would be summoned. From this conduct, the impression which I formed was of necessity that the Reich Physician SS discharged personally most of the official work, without the cooperation of his colleagues in the building.

"Poppendick was Chief of the Personal Office of the Reich Physician SS. As such, he was neither his deputy, nor was he authorized to sign on his behalf, Poppendick's status underwent no change in the reorganization of 1943.

"As far as I can judge, Grawitz, was able to deal with his correspondence alone with his secretary, without further assistance, and according to his known methods of working, this was what he liked to do.

"I cannot remember ever having spoken of the treatment of phosphorus burns with Poppendick. These discussions took place with Grawitz only.

"In 1943, several conferences of the leading physicians took place in Grawitz' office, regarding personnel and equipment requirements. Experiments with human beings were never the subjects of these conferences."

HPO-14, an affidavit of the co-defendant Rudolf Brandt. In view of the fact that Rudolf Brandt has already been on the stand, I wish to simply draw the attention of the Tribunal to this affidavit. I shall dispense with the reading of it, because it concerns itself with the numerous affidavits that Rudolf Brandt signed regarding the other defendants. He simply admits here that his statement that Poppendick had knowledge of criminal experiments was based not on personal experience, but on the fact that he had seen documents to that effect here.

THE PRESIDENT: Does counsel offer this affidavit as an exhibit in the case?

DR. BOEHM: I have offered it as Exhibit No. 14, but I shall dispense with reading it -- correction Exhibit No. 13.

MR. HARDY: I object to this document as being irregular, inasmuch as defense counsel had ample time to examine the witness Rudolf Brandt when he was on the witness stand.

DR. BOEHM: I nevertheless ask the court to admit this document as evidence because I wish to use it in my closing

summary.

THE PRESIDENT: The objection will be over-ruled and the affidavit will be admitted as evidence with the privilege of the Prosecution to cross-examine the defendant Rudolf Brandt if it desires to do so.

MR. HARDY: The Prosecution will not wish to cross examine the defendant Rudolf Brandt on this matter, inasmuch as the material of Rudolf Brandt is in the record and we have a duplication of it.

DR. BOEHM: As the next Document for the present in the presentation of my case for Poppendick, I offer Document No. HPO-15, which is on pages 41 and 42. This will be Poppendick Exhibit No. 14. This is an Excerpt from an article "The Sentencing of Internees" by Dr. Arthur Straeter, Minister of Justice, Nordrhein-Westphalia, published in the Westfalenpost, 31 January 1947. I do not intend to read anything from this Document.

This concludes my case for the time being.

THE PRESIDENT: Is counsel for defendant Wolfram Sievers ready to proceed with his case?

DR. WEISGERBER for the Defendant Wolfram Sievers: In the presentation of my case for Wolfram Sievers, I intend first of all to call my client to the stand and ask now the Tribunal's permission to do so.

THE PRESIDENT: The Defendant Wolfram Sievers will take the witness stand.

WOLFRAM SIEVERS, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. The witness will raise his right hand and be sworn.

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

DIRECT EXAMINATION.

BY DR. WEISGERBER:

Q. Witness, your name is Wolfram Sievers and you were born 10 July 1905 in Hildesheim as the son of the church musical director Erhard Heinrich and Elizabeth Sievers?

A. Yes.

Q. After visiting grade school and gymnasium, you then went two years to college in Hildesheim?

A. Yes.

Q. What profession did you then choose?

A. It was my intention to become a merchant.

Q. How long were you active in this profession?

A. After two years training I was in a publishing house; from 1924 I worked until 1935 with a few interruptions in that branch.

Q. Did you carry out any private studies in addition to your profession?

A. Yes; I was interested in historical and religious questions, as well as music.

Q. Did you join any youth movements; the Pfad-finder Bund or any such movement?

A. Yes when I was in the Gymnasium, I was a member of the Wandervogel and later I joined the Pfadfinder Bund. (Boy Scouts)

Q. Did you have any leading positions in these youth organizations?

A. From 1928 on, I led a working community, it was composed of members of various youth organizations.

Q. How long were you so active?

A. Until the Nazi Party dissolved these organizations

in 1933.

Q. Was your activity in the Youth Movements of a political nature or nonpolitical?

A. It was in general unpolitical; its goal was simply the healthy education of youth and the repudiation of political coercion whether for the right or the left and also demanded respect for deep religious convictions.

Q. Mr. President, at this time I submit Document Sievers No. 13 as Exhibit Sievers No. 1, page 30 of the document book. This is an affidavit by Heinz Ulrich Sieber, which I shall read:

"I became personally acquainted with Wolfram Sievers in the years 1931 through 1933 at Stuttgart in the boy-scouts movement. At that time I was about 15 years of age and met him, who was my elder comrade, often at camps and hikes of the boy scouts. He also came frequently to see me at the house of my parents in those days.

"Sievers impressed me, as well as the other boys, as a man of singular integrity, at whatever occasion we came into touch with him. In word and deed he was an example of the boy-scouts' virtues; correctness, efficiency and readiness to help others.

"In no way has he influenced us in any party-political sense nor has he preached hatred against other human beings, and thus he helped all the boys, who came in touch with him towards a humanly irreproachable and genuinely independent moral basis for their future lives."

Now I put in as evidence Sievers Document No. 19, page 46 of Sievers Document Book No. 1; this will be Exhibit Sievers No. 2. This is an affidavit on the part of the merchant George Adolf Menzel, I read the contents:

"I met Mr. Wolfram Sievers in the second half of the twenties"

MR. HARDY: May I inquire at this time how many such character reference affidavits the defense counsel wishes to introduce? In addition, I should like to inquire if the four witnesses requested by defendant Sievers will be available during the presentation of the Sievers' case this week, so that I may as well know what type of evidence is being submitted so that I may more or less object to any as I see fit?

DR. BOEHM: At this time, I simply intend to submit these two documents. In the course of the direct examination, I shall introduce roughly 40 documents. Document Book No. 2, as I have just found out, has not yet been submitted to the Tribunal but I have been promised that Document Book No. 2 will be ready by tomorrow morning. The four witnesses, whom I have named, will be available at the correct time and I assume that day after tomorrow when I am through interrogating my client, I can put them on the stand.

MR. HARDY: Thank you.

DR. BOEHM: I continue with my reading of this affidavit:

"I met Mr. Wolfram Sievers in the second half of the twenties in Stuttgart, where he belonged to the youth movement (formerly 'Wandervoegel'). In accord with this membership, Mr. Sievers was a definite individualist with high ideals, genuine human warmth and a strong feeling of right and justice. At that time he was completely opposed to the Nazi Party and its methods; he rejected the Hitler Youth, since it was in nature and form diametrically opposed to the youth movement of the 'Wandervoegel' (Wanderers). He was an aesthete and an upright, frank character, for whom a thing was useful only if it was also morally good. His sensitive and soft nature was one of his typical characteristics.

"Later I saw Mr. Sievers once again, briefly, in Berlin. At that time he was already working for the 'Ahnenerbe.' There again I did not have the impression that Mr. Sievers had changed his inner attitude toward the tendency and methods of the Party and toward Nazism. In other respects, too, he had remained the same."

And, then there follows the signature and the certification.

THE PRESIDENT: The copy of this affidavit, contained in the Document Book furnished the Tribunal, contains a further statement in the affidavit.

DR. BOEHM: I am sorry, but I did not understand the Tribunal?

THE PRESIDENT: In the copy of this affidavit in the Document Book, there is another paragraph.

DR. BOEHM: Document No. 19, which I have just put in; that is the one you are referring to is it not?

THE PRESIDENT: Yes.

DR. BOEHM: I read the essential part of the Document.

THE PRESIDENT: I understood you to state you intended to read the entire Document; that was the reason for my question.

DR. BOEHM: No, I simply wanted to read the essential part of the Document, which I shall do in the future with all my Documents.

BY DR. BOEHM:

Q. Witness, is it correct that you married in 1934 and that three children resulted from that marriage?

A. Yes.

Q. Until your entrance in the Nazi Party, did you have anything to do with party politics?

A. No, I was not interested in politics at all.

Q. Around 1930 did not political problems begin to encroach on the youth organizations to which you belonged?

A. Our efforts were directed to keep the youth organizations free of party influence and various political parties. There were at that time more than thirty parties in Germany who made an effort to recruit the youth. Our efforts were directed to develop the young men's personalities, but not to make party members of them.

Q. Around 1930 did you meet in the youth organizations a person who was of decisive importance in the development of your career?

A. Yes; in 1929 I met Dr. Friedrich Hielscher, who exercised a strong influence upon me by his lectures before the youth movements.

Q In the period thereafter did you have any particular contact with this Doctor Hielscher for any special reason?

A My contact with Dr. Hielscher was not interrupted after we made each other's acquaintance. On this it became closer and closer and even in 1929 was of the opinion that the Nazi Party was a danger for our youth organization. In the course of longer, extensive conversations we came to the question we would have to recognize this danger. Dr. Hielscher suggested that I should apply for membership in the Nazi Party which I did then in 1929 so that we might have a closer insight in this danger.

Q What did you and Dr. Hielscher hope to achieve by your entering the NSDAP?

A The only thing that was important was for us to have insight into the Party's intentions. We did not trust their propaganda even at that time.

Q Could you realize this intention at that time? Could you do anything regardless of it?

A Yes, I would achieve insight into the cultural aspects of the Party and the goal set for the youth organizations of the Nazi Party.

Q Did you inform Dr. Hielscher of what you had found out?

A I kept him currently informed.

Q And how long did you continue this activity?

A Until about 1930.

Q For what reason then did you withdraw from the Party in 1931?

A Hielscher and I felt that the reasons I joined the Party had been sufficiently met. In addition I was asked to join the SA which I didn't want to do.

Q Did Dr. Hielscher give you any specific tasks or duties in the NSDAP?

A I was to attempt to get in touch with leading personages of the NSDAP in order to report on them. Further, I was to attend to achieve a position from which I could have insight into the activities

of leading personages of the Party.

Q Did you succeed in this?

A Yes. In the Spring of 1935 I succeeded by Prof. Hermann Wirth to get in touch of the Ahnenerbe.

Q Did you know Prof. Wirth earlier?

A Yes, I made his acquaintance around 1930. Prof. Wirth lived in Marburg and was a pre-historian and I had been interested in pre-history and was his secretary. I remained his secretary from November of 1932 until February 1933.

Q When did Prof. Wirth appear in the Ahnenerbe Institute?

A That was in the course of the year 1933.

Q And then in 1935 you turned to Prof. Wirth asking him to use you for himself or the Ahnenerbe?

A No, on the contrary, Prof. Wirth turned to me.

Q What opportunities did you see of carrying out the task that Dr. Hiedelocher had said you were?

A We knew that Wirth had connections with Himmler. I thought I might have an opportunity of penetrating into Himmler's staff in this way of having insight into it.

Q Was the Ahnenerbe Institute of Himmler?

A Well, it was in so far as Wirth suggested to him to create an institute which would concern itself with Nordic research work. Himmler took up that idea and that's how the Ahnenerbe became a registered association on the 1st of July 1935 with Wirth the President and I became the Secretary-General.

DR. WEISGERBER: Mr. President, in that connection I should like to refer to the institution called Ahnenerbe. I should like to offer Document Sievers No. 1 which can be found on page 1 of the Document Volume No. 1. This will become Exhibit No. 3. This is a chart of the personal staff. This chart was already submitted in the Document Volume Rudolf Brandt. I also include that document in my document Volume by purposes of comparison. The office Ahnenerbe --

MR. HARDY: It's already an exhibit. Is it necessary to give the other exhibit number?

THE PRESIDENT: It will probably make it more convenient to have it numbered in the Document Book but marked duplicate by giving it another exhibit number.

DR. WEISGERBER: I give the document as Exhibit No. 3 and as I said before I only include it, this document, in my book in order to give you a complete picture of the Ahnenerbe Institution. The Office Ahnenerbe appears on this chart in the first row on the left-hand side. No further explanation is necessary in my opinion. I further offer the Document Sievers No. 2 which can be found on page 2 of Document Volume Sievers No. 2 which will become Exhibit Sievers No. 4. This is a chart and contains a description of the Institution Ahnenerbe. Witness, I shall have this document handed to you in order to enable you to give the Tribunal a short description of the organization of the Institution Ahnenerbe, in other words.

MR. HARDY: If I understand this correctly the affidavit of Sievers is the certificate with the chart attached thereto. Is that it? In other words, the chart is part of Exhibit No. 4. Is that correct?

DR. WEISGERBER: The chart is Exhibit No. 4. I think the prosecutor was not quite clear about that.

MR. HARDY: That's what I understood; that the chart is Sievers Exhibit 4.

DR. WEISGERBER: Yes. Witness, using this chart will you please describe the organization of Ahnenerbe? Start from the President and work downwards.

a. The President and Chairman of the Ahnenerbe Association, was the Reichsfuehrer SS Himmler. The Ahnenerbe, which was to be a research and reaching association was to be a similar organization to already existing academies or scientific societies which, in addition to the Universities had to cover certain spheres of research and

support them. The scientific head of the Max Planck Institute was the Director of the University Munich, Prof. Kuest, who was the Curator. Under him were the subordinates, the scientific departments, which can be found on the left-hand of the chart. There were 46 of such departments. Beyond that there were about 15 research assignments and members of these assignments, the scientific department, were headed by scientists. They had to be either professors or lecturers at a German University. Summarizing, these 46 scientific departments and the 15 research assignments and arriving at the figure of 61, I have to state that 30 of them were professors, that is, people who were residing at German Universities. Fourteen were lecturers and who were actually lecturing at Universities and 13 of them were academic graduates, people who at any time could start a university career.

Q Witness, we shall come to that later when discussing subsequent documents. I don't think we need go into the details at this time. Would you please explain your own personal position?

A As General Secretary, which was later changed into Reich Business Manager, I had to be responsible for and care for the entire administrative problems of the Secretary's office, budget, as is set out in the square which one can see underneath Reich Business Manager. In addition I had to head the Ahnenerbe Foundation Publishing House which was founded in 1937 and which can be found on the right hand side of the chart.

Q And now, Witness, on the left bottom half of this chart one can see a little square which reads: "Institute for Military Scientific Research" with seven subordinate departments. At this time I only want to ask you when this Institute was founded and affiliated to Ahnenerbe?

A That was in the year 1942.

Q The next Exhibit which will be No. 5 is Document Sievers No. 3 which follows right after Document Sievers No. 2, Exhibit No. 4. This is the affidavit of Wolfram Sievers certifying the correctness of the two charts submitted, namely chart no. 1 and chart no. 2.

A As the next document I offer Sievers No. 3 which can be found in Document Book Sievers I on page 3, that will become Exhibit No. 6

JUDGE SEERING: What was counsel's Exhibit 5?

DR. WEISGERBER: Exhibit 5 is Document No. 4 - Document No. 4. I think I made a mistake right now. Document No. 4 is to be found on page 5 of Document Volume I.

Then I offer Document Sievers No. 3 which is found on page 3 in Document Volume I which will be Exhibit Sievers

No. 6. This is a compilation of the Scientific Departments of the Research and Instruction Society Ahnenerbe. They are listed here - the 46 departments which already appear on the chart and it is stated here quite briefly what the scientific activity of the various departments was. I don't deem it necessary to read this document in its entirety and I should like the Tribunal to take judicial notice of it.

On the second page of this document one finds another list of research assignments which were already mentioned by my client. The last listing is the Institute for Military Scientific Research of the Waffen SS and the Police. This includes the departments: 1. Rascher. 2. Ploetner, and 3. Hirt, and then 4. Entomological Institute. Then, 5. Military Scientific Department for Chalk Geology, Mathematical Department, and finally, the Institute for Breeding Research.

Witness, would you please answer a few questions relating to that document? You were already speaking about the 46 scientific departments and about the various research assignments and we arrived at a total of 61. The departmental heads and the people in charge of research assignments you said were 30 professors, 14 lecturers, and furthermore there were 13 academic graduates who were lecturers at universities and four laymen research workers?

.. Yes, that is correct.

Q I am now interested about the political make-up of these 61 persons. Can you tell us something as to what extent these 61 people were members of the SS, NSDAP, etc?

.. It was not compulsory that the department heads of the Ahnenerbe were to be members of the Party or the SS. Of these 61 persons 47 were members of the Party, 28 were members

of the SS, 33 were not in the SS and 14 were not even in the Party.

Q Could you subdivide these fourteen a little further?

A Well, 8 of these 14 were political persecutees, two were catholic clergymen, and three were foreigners.

Q Thank you. That is sufficient.

As the next document I offer Sievers No. 5 which is in Document Volume Sievers I on page 7 which will become Exhibit Sievers No. 7. This is a document which was already submitted to the IMT as Document 488TS. It contains the statutes of the Research and Teaching Society Ahnenerbe. I ask the High Tribunal to take judicial notice of that document and I only consider it expedient to read paragraphs 5,6,7, and 8.

"5. Directors.

"The directors of the Research and Teaching Society consist of.."

This can be found on page 9 of the Document Book.

"1. The president who is at the same time the chairman and legal representative of the registered society in the sense of Par. 26 of the German Civil Code.

"2. The curator.

"3. The Reich Business manager.

"The Reichsfuehrer-SS is the president.

"6. President.

"The president stands at the head of the Research and Teaching Society. He is in charge of:

"1. the direction of the Research and Teaching Society. He decides on the distribution of business and determines the individual tasks;

"2. He appoints and dismisses the curator and the Reich administrator;

"3. He appoints and dismisses the members;

"4. He authorizes the budget;

"5. He alone is authorized to undertake alterations of the

charter and to dissolve the society, in as far as this is permissible under the existing legal regulations.

"7. Curator.

"The curator is in charge of the scientific work of the society within the framework of the directives given him by the president.

"8. Reich administrator.

"The Reich business manager will deal with the society's business he is responsible for business organization and administration, for drawing up the budget and keeping accounts."

Witness, was there a financial advantage which caused you to change your profession as publishing business man?

A. No. In 1935 I already had an income of about 600 marks in that profession, whereas Secretary General of Ahnenerbe only paid 400 marks a month.

Q. Were the financial expectations in the Ahnenerbe greater than expectations you could hope for in the publishing business?

A. No. Only in the year 1943 I had an income which was somewhat above 700 marks per month. I am sure that in the publishing business I would have had such income much, much earlier and I am sure I would have earned more in 1943 as a publisher.

Q. Were there any other advantages connected with your position at the Ahnenerbe or were you lead to expect such advantages?

A. No.- on the contrary. I got married at the end of 1934. My career in the publishing business was very favorable. As a General Secretary of the Ahnenerbe I had to change my flat and reside at Berlin. But it was only in 1936 when I succeeded in finding an apartment and until that time had to be separated from my wife and only had disfavor in that connection.

Q. Witness, in other words you are saying that it was an idea which called you to assume this position as Reich Business Manager of the Ahnenerbe and you will probably agree with me that it is not easy to believe that anyone would be prepared to take into account

such disadvantages and only follows a new course on account of an idea, as you said you did?

A I conscientiously examined all of these disadvantages because the aims of Professor Hielscher and his groups were more important to me than any disadvantages.

Q The position of Reich Business manager of Ahnenerbe was held by you until the end of the war?

A Yes.

Q Did you consider this position having the possibility of resuming your position with Hielscher?

A Ahnenerbe was a registered society. Since Himmler was its president it was not easy to establish contact with every agency other than those that came within jurisdiction of the SS. It was much easier to do any work from the Ahnenerbe which was more or less in neutral grounds than it would have been from any SS agency.

Q In the subsequent period you often got in touch with Himmler and I would be interested to hear something from you about that.

A When Himmler in 1937 became president of Ahnenerbe I occasionally established contact with him. Now and again I was ordered to report to him or sometimes ordered to have dinner with him.

Q What was it that you had to report to Himmler?

A About organizational and financial questions as they related to my duties as Reich businessman.

Q Did you also report to the curator regarding these questions?

A I reported to both regularly about all these questions because both were my superiors.

Q In order to clarify further happenings I consider it necessary that you briefly tell the Tribunal about this situation so they may understand that train of thoughts you were subject to. Professor Huest was director of the Munich University, wasn't he? Considering your separation, you must consider that you yourself were in Berlin, didn't any difficulties arise?

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A This separation naturally made the work more difficult, especially since I had to go very often to Wuest at Munich while the other had Wuest repeatedly visited me in Berlin. Cwing to the special separation it became necessary that I repeatedly had to represent Wuest at conferences and had to sign letters relating to matters which really did not belong within my sphere of tasks.

Q The prosecution in connection with the counts which are here under the indictment has submitted a number of letters which bear signature. I am at first interested to know whether the entire correspondence arriving at the Ahnenerbe went through your hands.

A That was not the case. Because of the independence of the departmental heads and the decentralized organization of the departments it came about that a large amount of the mail did not go through me but arrived at the departmental heads, respectively. They, in turn, when important matters came up submitted these matters to the curator Prof. Wuest.

Q Could you yourself order any research assignment to be carried out in the framework of the Ahnenerbe?

A No, I could not do that. Only the president, Himmler, or the curator, Wuest, could do that.

Q At a later time we shall come back to the fact that in one or other cases you did that, nevertheless, but at any rate we shall talk about that later. The Ahnenerbe only dealt scientific tasks?

A In accordance with its organization its tasks only dealt with cultural and scientific work and actually carried such work through.

Q When for the first time, was the Ahnenerbe given tasks which organically had nothing to do with that society?

A That happened on the 1st of January 1942, by order of Himmler when he ordered that an ethnological institute be erected.

Q To whom did Himmler give that order?

A To the Ahnenerbe.

Q Was the Ahnenerbe at that time an office within the Reichsfuehrer SS organization?

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A Yes.

Q Well, the department chief was 'ref. Wuest, wasn't he?

A Yes, that is true.

Q Did the Ahnenerbe in subsequent periods receive tasks which organically didn't belong to it?

A At the beginning of March 1942 Dr. Rascher approached the Ahnenerbe and informed them that Himmler had ordered that the Ahnenerbe would take over his work at Dachau.

Q Had you known this Dr. Rascher from before?

A Yes, I had known him since the year 1939.

Q In what connection did you make Dr. Rascher's acquaintance?

A Wuest at that time was informed by Himmler that a certain Dr. Rascher was to receive a diagnosis of cancer illnesses. This assignment was not to be carried out because of Rascher being drafted into the Luftwaffe. In this manner an opposition became superfluous as regards a science which had really nothing to do with the Ahnenerbe.

Q Why did you at that time believe that you would have to oppose any such assignment given to Dr. Rascher?

A At the time when neither Prof. Wuest as curator nor I as business manager had knowledge of any departmental head by the name of Rascher, an article appeared in the well-known periodical called "Der Volk" in which quite exciting results in cancer research were mentioned, and the name of Dr. Rascher was pointed out as the departmental head in the Ahnenerbe. I immediately notified curator Wuest, as well as Himmler, of that fact but nothing came of this entire affair because Rascher was drafted into the Luftwaffe. Since Wuest and I did not approve of this inconsiderate method of Dr. Rascher to put Himmler into the foreground our rejecting attitude revived itself when Rascher once more appeared in 1942 at the Ahnenerbe.

Q I now come to your participation in the high altitude experiments of Dr. Rascher, and I shall have the Document Book Number 2 of the Prosecution shown to you.

(Witness receives the purported Book.)

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Will you please turn to page 61, and page 59, in the English Book translation. This is the Document No. 15181-A, Exhibit 48 of the Prosecution. As it can be seen from this document you made an inquiry on the 9th of March to the 9th of March 1942 to the personal staff of the Reichsfuehrer SS. The inquiry referred to Dr. Rascher, since this inquiry itself is not available as a document I should like to ask you to tell us from your own memory what its subject was.

A As far as I remember Rascher at that time turned to Wuest, who was in Munich, and then to me, and told us that certain research work which he was carrying out by order of the Luftwaffe at Dachau were to supported by the administration of the Ahnenerbe. Since he, however said that he wasn't allowed to give us any more details I turned to the personal staff of the Reichsfuehrer SS in order to gain more information about that matter.

Q What support was to be given to Dr. Rascher on the part of the administration of the Ahnenerbe?

A He was to be supported regarding the supply of equipment, apparatus, and the establishment of connections with scientific institutions with whom collaboration seemed to be necessary with reference to Rascher's work. This support was not used at the beginning because the Luftwaffe made everything that was needed available.

Q Did you at that period of time know - that is, when receiving the letter of the 21st of March 1942 - that this concerned with experiments on human beings?

A This only became evident to me when on the basis of this letter dated the 21st of March 1942 O talked to Dr. Rascher at Dachau.

Q When was that?

A That was at the end of March 1942, or on the 1st of April. At any rate, it was after this letter - either the end of March or the beginning of April.

Q Had you been in any concentration camp before that date?

A No.

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Q Could you enter the concentration camp at Dachau in the subsequent period of time without any ADO?

A No. For that purpose an express approval was necessary, an approval and a directive by H^{im}mler, which was done during that first visit. After that I had to report to the commandant of that camp and had to sign a statement which obliged me to keep secrecy, and furthermore, I was not to talk to the inmates regarding personal matters. It was always necessary to report to the commandant personally if at any time in the future a further visit was to take place.

Q It was at the end of March 1942 when for the first time you came in contact with Dr. Rascher in the Concentration Camp at Dachau?

A That's right.

Q Were at that time the high-altitude experiments of Dr. Rascher started?

A Yes, these experiments were already being carried out for a little more than one month. That is, ever since the 22nd of February 1942 but that is something I only found out here through the testimony of Neff.

Q Up to that period of time you knew nothing of these experiments?

A No.

Q Is it correct that on invitation of Rascher you watched one such experiment?

A Yes, that is correct. When on that day I arrived at Dachau, of course, at the end of March Dr. Rascher introduced Dr. Romberg to me and we then carried out an experiment at the pressure chamber. I watched two of these experiments.

Q Did participation of those experiments fall within your tasks as they were defined by the order of Himmler?

A No, it didn't belong to my task but Rascher requested me to watch these experiments.

Q What did you find out about the experimental subject on this occasion, and what did you know about the course of these experiments and I am speaking of the experiments which you yourself watched?

A A number of experimental subjects were there. The experiments were carried out by Dr. Romberg and Dr. Rascher. I spoke to those experimental subjects both of whom received no harm and emerged completely fit after the experiments. One person who had lost his consciousness during the experiment afterwards refused to believe that he had become unconscious. This phenomena interested me and I entered into

a conversation with that man since I couldn't imagine that one wouldn't know about the fact of having become unconscious. In that connection the man pointed to a number of figures which he wrote during this experiment which were not interrupted in his opinion.

Q Was Dr. Rosenberg present during these experiments?

A Yes, Dr. Rosenberg was present.

Q Did you discuss with these experimental subjects whether they were volunteers?

A I spoke to both of them since I was interested in that matter. Rascher had told me that these experimental subjects were volunteers, and Himmler confirmed that. For that reason I asked whether human people had volunteered for these experiments. The answer was made that more people had volunteered for the experiment than could be used at the moment. I inquired what the reason was that they volunteered for such experiments and the reply was made that in this camp every opportunity is seized to improve one's condition. This was a new train of thought for me because up until that time I had never been in a concentration camp.

Q Did you report to Himmler about these two experiments which you attended at the end of March, Rascher hinted this in his letter of 5 April 1942 addressed to the Reichsfuehrer SS? In this connection I refer to page 62. This is the letter by Rascher to the Reichsfuehrer SS, dated 5 April 1942 which is Document of the Prosecution 197A-A, Exhibit 49, which is to be found on page 60 of the English translation. In this letter it says SS Obersturmbannfuehrer Diehl took time for a few days watching experiments and probably may have given you a brief report. Did you report to Himmler about what you had seen in Dachau and when was that?

A In view of the way Rascher expressed himself it is important to state that he is merely expressing an assumption. Easter 1942, that is on the 5th of April, shortly after I had seen this experiment I discussed with Himmler. Certainly I wasn't in a position to give him

a report about it for the technical pre-requisites or anything that would have enabled me to give him a correct description I lacked.

Q Rascher in this letter mentioned that you had been very interested in this work. How do you explain this passage in Rascher's letter?

A This letter written by Rascher to Himmler is not known to me, which also applies to the entire correspondence of Rascher with Himmler or vice versa. For that reason I can only assume that Rascher chose this expression in the letter to Himmler in order to score a point with Grawitz with whose visit he was probably not satisfied. If he speaks about my interest, he probably mentions it because according to Himmler's order I had to carry out the support which I had been ordered.

Q At that time in Dachau you recognized that human experimental subjects were used during these high-altitude experiments. Apart from the order which you, did you have — didn't any certain consequence arise for you personally from that fact, even if I take into consideration that these two experiments which you observed had no fatal outcome?

A Yes. I personally rejected these experiments on human beings. I rejected them without being in a position to judge whether they were materially and essentially necessary.

Q Did you communicate this thought of yours to any higher agencies?

A Yes, when I reported to Himmler at Easter 1942, ordered to attend to field headquarters, that is, to report regarding other matters, I stated to him that I had been to Dachau and that I there witnessed a high-altitude experiment, and that I was personally rejecting such experiments.

Q And how did Himmler re-act to this statement?

A Himmler spoke to me and gave me some long explanation. He stated that experiments on human beings were always carried out where

nothing else would do. He said that we were concerned with saving our German fliers when conducting these experiments, and he asked me whether I when rejecting to such experiments was not indicating that not all was being done to save German soldiers.

Q Was the furnishing of experimental subjects your task?

A No, all of these experiments had to be personally approved by Himmler. Himmler personally issued further directives to the Reich Security Main Office (RSHA). That is, to the competent agencies there. Himmler during that conference told me that only volunteers were used for these experiments, and in case these experiments may have a fatal result only those criminals condemned to death could be used and in no circumstance were any political protective prisoners to be used.

Q On this occasion, during that Easter conference of April 1942, didn't you one more ask Himmler to give such research assignments to another institute, as this one given to Dr. Rascher?

A Yes, I told Himmler that a layman I could make no reply to his statement but that in spite of that I asked him to consider whether it would not be more correct -- that such medical experiments were transferred to the sphere of the Reichsarzt SS, since he was at least more competent in regards these experiments than the Ahnenerbe was.

Q Were you successful when voicing these misgivings?

A Unfortunately, no. Himmler stated that no person in the world was asking me to carry out these experiments. I should have to leave to him that his directives were correct. He neither wanted Grawitz nor anyone else included in these research activities, but wanted to maintain them directly at his own control. He said expressly that it was because he wanted to exercise a personal influence since he personally carried the responsibility.

THE PRESIDENT: We will now adjourn until nine thirty tomorrow morning.

1947

10 April-M-GJ-1-1-Foster-(int.Ramler)-

Court 1

Official Transcript of the American Military Tribunal I in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 10 April 1947, 0930, Justice Reels presiding.

THE MARSHAL: persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this Tribunal.

There will be order in the court room.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court?

THE MARSHAL: May it please your Honor, all the defendants are present in the court with the exception of the Defendant Oberheuser, absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court save the Defendant Oberheuser absent on account of illness, pursuant to doctor's certificate which will be filed. Defendant Oberheuser may be excused from attendance, it appearing that her interests will not be prejudiced.

MR. HARDY: May it please, your Honor, at the present time we have in Nuernberg a representative of the War Crimes Group who has requested permission of the Tribunal to interrogate the Defendant Hoven this morning. The defense counsel of the Defendant Hoven has agreed and prosecution is agreeable to such interrogation if the Tribunal should see fit to dismiss Hoven this morning for this interrogation.

THE PRESIDENT: On the statement of counsel for the prosecution and agreement of counsel for the defense, Defendant Hoven may be excused from attendance before the Tribunal this morning, subject to the interrogation which has been mentioned, it appearing that his absence from the Tribunal this morning will not prejudice his interests.

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Counsel may proceed.

WOLFRAM SIEVERS - Resumed

DIRECT EXAMINATION (Continued)

BY DR. WEISCHUBER (Counsel for the Defendant Sievers):

Q Witness, I remind you that you are still under oath; you were sworn in yesterday.

A Yes.

Q Witness, yesterday at the end of the session we had reached the question whether you were successful your misgivings to Himmler which went to the effect that the attachment of the department Rascher and Hirt to the Ahnenerbe was alien to its tasks and that you for certain reasons endeavored to keep these departments out of the Ahnenerbe society. Did Himmler on this occasion state that the execution of further research assignments were to be carried out with the support of the Ahnenerbe?

A Yes. Himmler said that in addition he wanted the research work of Professor Hirt linked to the Ahnenerbe since he considered that to be of the utmost importance. We then discussed the lost experiments of which Hirt had spoken to me, and in which connection he had formerly carried out experiments at the military medical academy on NCO's. Himmler then spontaneously declared that such experiments would have to stop. He said that they were being carried out against the will of Hitler, non commissioned officers were more important as soldiers. I was told to tell Hirt that he would have to report to Himmler about his work in detail and I was to transmit Himmler's wish to him that Hirt in addition to his animal experiments, would make a few practical experiments on human beings. Himmler, who originally wanted Hirt to report to him personally-but Hirt was ill-asked me to relieve Hirt of all his work, which would keep him away from his real research activity. In this manner I came into contact with Hirt regarding his work.

Q How, did you discuss this situation with any third parties into which you got on the basis of Himmler's order?

A Subsequent to this objection I raised with Himmler and which had no success, I spoke to my departmental superior Wuest.

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He maintained the point of view, however, that Himmler's orders were to be carried out. I then discussed this question with my secretary, and I told her that I disliked this entire development. I discussed this question also with some of my friends, for instance, Dr. Hielscher.

DR. WEISCHUBER: Mr. President, in this connection I intend to submit an affidavit of Frau Dr. Schmidt. This affidavit is contained in document Volume 11. I heard this morning that this will be compiled during the course of the morning and it is expected it will be delivered to the Tribunal in the afternoon.

Q. Subsequently many reports, requests and inquiries of Dr. Rascher arrived at your office, and there is reason for the assumption that you gained a rather extensive picture about the manner of execution of Dr. Rascher's experiments; isn't that correct?

A. Rascher always sent his reports directly to Himmler. They never went through me.

Q. Didn't any copies of these reports arrive at your office?

A. No, the entire scientific affair, the execution, was dealt with in direct contact with Himmler and Rascher. Rascher made a secret report entitled "In order to save from high altitude."

Q. It appears that this secret report was sent to Almonerbo, at least a copy of it; for that reason there is reason for the assumption you at least gained knowledge of this report?

A. I wouldn't want to exclude the possibility that this report was also sent to the Almonerbo. It may have been on the distribution list. However, I didn't read these scientific reports. This did not fall within my tasks. I know nothing about its technical aspect. I was not interested in it, because it only dealt with medical questions. In most cases I read the usual summary which could be found at the end of any such report; and these reports, as far as they didn't concern Rascher, were either transmitted to Himmler, or Wuest, or to the competent departmental head.

Q. I shall now have the Document Book 2 of the Prosecution shown to you; I should like to discuss a passage which is contained in the Document, NO-226, Exhibit 75,

on page 123 of the German text, and page 127 of the English text. This is a letter by you to the Personal Staff of the Reichs Fuehrer SS, dated the 21st October 1942. In passage 2 you write there that the high altitude experiments would have to be continued and that therefore the low pressure chamber was again required. How did this letter originate?

A. Himmler had inspected a number of agencies of the Ahnenerbe in Munich. Afterwards a meeting took place, at which Rascher was present. Himmler asked Rascher how the situation was regarding low pressure chambers. Rascher said that the low pressure chamber hadn't come back, and as a result Himmler ordered that I should send him a draft of a letter addressed to Brandt, which he wanted to send to Milch. According to Rascher's instructions I sent this draft to Brandt, including this letter which you have just submitted to me.

Q. Were the high altitude experiments then continued?

A. The high altitude experiments were not continued because the low pressure chamber didn't return to Dachau.

Q. Could you assist in seeing to it that this low pressure chamber didn't come back to Dachau?

A. Yes, that was possible by establishing a contact with the Reich Research Council. By referring to the competent expert who made the views of the Air Force Offices and the DVL, which were known to me, his own, it could be prevented, that, in spite of the express order by Himmler, this low pressure chamber was returned to Dachau once more.

Q. I now summarize your activity in connection with the high altitude experiments of Dr. Rascher very briefly. You received the order from Himmler to assist Dr. Rascher in his experiments at Dachau by getting for him all the

necessary laboratory equipment. I state in that connection that at the time this order was issued by Himmler, Dr. Rascher had already been carrying out his experiments for a period of approximately four weeks. In addition I state that the low pressure chamber was not furnished by you. Upon Rascher's request you participated in two high altitude experiments one day, during which Dr. Rosenberg was also present. No harmful results could be ascertained after these experiments on the experimental subjects. Both experimental subjects confirmed to you that they had volunteered for these experiments. Thereupon you made a short report to Himmler about these experiments, and upon this occasion asked Himmler not to affiliate this work of Rascher to the Ahnenerbe, something which Himmler strictly rejected. During the course of these experiments you took no notice of any reports of Rascher, and the secret report which I previously discussed only arrived at the Ahnenerbe at a time when these experiments had already been concluded. You yourself state that you did not read that secret report. You admit, however, the possibility of having read the final sentence. You wrote two other letters, the subject of which was the new furnishing of a low pressure chamber, and in large outline this is all you had to do with Rascher's high altitude experiments; is that correct?

A. Yes, that is true. In this connection I did my best to see to it that experimental subjects be released.

Q. We shall later revert to this question. During the subsequent period you came in contact with the cold experiments of Dr. Rascher?

A. I once went to Dachau in order to participate in

administrative conferences, at the time when Dr. Rascher, Professor Holzlochner and Dr. Finko were concluding a cold experiment. That is to say, the experimental subject was just placed into a room, but I didn't see anything else of this experiment.

Q. On the occasion of this experiment, or on the occasion of a discussion which perhaps followed, did you hear anything more in detail about Rascher regarding these experiments?

A. These three gentlemen were very busy in reading the apparatus which was used in connection with that experiment. I was told that it was necessary to receive the warmth covers as quickly as possible, and Professor Holzlochner stated that they had almost concluded their experiments, and that further experiments hardly seemed necessary. No scientific questions were discussed at that time.

Q. Did you see any report or did you receive reports from Rascher about these cold experiments?

A. No, these reports also went directly to Himmler from Rascher, as becomes evident from the documents which have been submitted here.

Q. I shall now have Document Volume No. 3 of the Prosecution handed to you. In Document NO-1611, Exhibit 85, of the Prosecution, page 16 of the German text and page 17 of the English text, you find a letter sent by the Reichs Fuehrer SS to Dr. Rascher of 22 September 1942; and in the second paragraph it says "Sent to SS Obersturmbannfuhrer Sievers as information copy." Paragraph 1 mentions the intermediate report of the cold experiments by Dr. Rascher at the concentration camp Dachau. One could conclude therefrom that you had received this intermediate report?

A. this intermediate report went directly from Rascher to Himmler, otherwise Himmler wouldn't have answered to Rascher directly. I don't think, however, that it is out of the question that Rascher had told Hitler by way of this intermediate report, or in any other report that I when hearing of these cold experiments considered them to be perverse. I assume that by sending me that report Himmler's opinion on that subject was to be transmitted to me, and for that reason I received the copy of that letter for my information.

Q. Now, would you be good enough to turn over one page, and you will there find Dr. Rascher's letter dated 3 October 1942. This letter is obviously directed to Dr. Rudolf Brandt. It becomes evident from that letter, and I am referring to the last lines on page 17 of the document book, that Rascher had turned to you in a number of matters, is that correct?

A. Yes, I shall revert to the low pressure chamber briefly. He says here that he turned to me in order to take steps regarding the low pressure chamber. I didn't do anything about that, at least not on the basis of this request by Rascher, only later when Himmler arrived at Munich and when he himself gave me the order to send him this draft letter, which was previously discussed. He further says that he turned to me regarding a teletype which asked for the furnishing of women for the purpose of these experiments. Since Himmler had already issued orders regarding the furnishing of experimental subjects, there was nothing left for me to do.

Q. Didn't you participate in a second cold experiment?

A. Yes, I together with Dr. Hirt, when I had to accompany

by order of Himmler, as he had been included in Rascher's experiments by the approval of Himmler. Himmler probably had realized in the meantime that for the purpose of the clarification of these scientifically very extensive and difficult questions Rascher alone would not be sufficient. Hirt, because of his state of health, could not come to Munich for one day, and for that reason asked that everything be prepared beforehand, that he could gain insight into all the work results which had been obtained so far. I told Rascher to prepare everything according to Hirt's desire. A professional criminal was presented for the purpose of this experiment.

Q. Was that a professional criminal who had already been condemned to death, and how did you know whether it was such a criminal?

A. Hirt, before the experiment started, wanted to look at the files, because there was a possibility that this experiment would end fatally. The sentence was furnished by the Criminal Police Department of the Camp Administration. We saw that this was a sentence which had been passed by a regular court, and it became evident therefrom that this man had more than 10 years penitentiary behind him, and had been sentenced recently to death because of murder and theft. Hirt furthermore asked the man whether he knew that this experiment might end fatally, whereupon the man answered that he was well aware of that. He said that he would have to die anyway for he was an old criminal, he was a criminal because he couldn't be anything else, and that he therefore deserved death.

Q. Did you convince yourself of that by asking the experimental subject whether he was actually a volunteer?

A. After Hirt's questioning I personally asked the man whether he agreed to that experiment. He thereupon said that he was in full agreement, providing it didn't hurt him. His assurance could be given to him, because the experiment was carried out under complete anesthesia. I didn't participate in the entire experiment, but I saw that this man was given anesthetics.

Q. You yourself received insight into the files from the criminal police?

A. Yes, I read through them, together with Hirt.

Q. Well, I guess there can be no doubt that this was a professional criminal sentenced to death by a regular court?

A. This was a very regular sentence. All previous sentences were listed in the files, and I remember in addition to the death sentence, he already had 10 years penitentiary.

DR. WEISGERBER: Mr. President, in that connection I intended to read a document, which unfortunately is also contained in Document Volume No. 2, and I should like to reserve the right to revert to that matter as soon as this volume is available. This is a matter relating to concentration camp inmates who witnessed this episode between Hirt and Rascher regarding the death sentence and voluntary aspect of that subject.

JUDGE SEBRING: Counsel may present the document when available.

Q. Witness, it can be seen from further documents contained in Volume 3, which I won't go into detail about, that you were interested in Rascher being sent from the Luftwaffe to the Waffen SS; from that it could be assumed

that you were on good footing with Rascher, and that you had personal interest in seeing that Rascher be transferred to the Waffen SS from the Luftwaffe, is that correct?

A. Himmler ever since 1942 endeavored and pursued the aim to get Rascher into the SS, and have him transferred from the Luftwaffe. He ordered me to take care of this personnel matter. It isn't correct that I was personally interested in it, if only for the reason that Rascher was only actually transferred after 1944.

Q. Did Rascher repeatedly impress upon you to accelerate his transfer to the Waffen SS?

A. Rascher was very insistent on that matter, because he believed that owing to his close relationship to Himmler he would get on much better in the Waffen SS. In the same way Himmler was always pressing in this matter.

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Q. In other words, you want to say that you didn't further the transfer of Rascher to the Waffen-SS on your own initiative nor did you deter it.

A. I was not interested in it at all and only on the basis of this insistence which was displayed by these two parties I wrote a letter.

Q. Now, would you please be good enough to turn to Page 86 of the document volume which is before you? This is a report about a so-called "Cold Conference" dated the 26th and 27th of October, 1942. It is to be found on page 88 of the English translation. Did you receive this report in the Ahnenerbe?

A. I certainly didn't receive it and I don't remember having seen it anywhere.

Q. Didn't Kurator Wuest receive that report?

A. I don't believe so. The scientific work in connection with Rascher, which only concerned Himmler personally, was always dealt with directly by Rascher and Himmler. These matters were only sent to Wuest when Himmler actually sent anything to Wuest. I don't believe that this has happened in this particular case. At any rate, Wuest never told me anything about that. These reports and the research assignments which were just discussed lay completely outside the interests and sphere of Wuest.

Q. What do you know about the so-called dry cold experiments of Dr. Rascher.

A. I only know about these experiments on the basis of Himmler's order which was sent by Himmler to Pohl and Grawitz because of the furnishing of the equipment. I don't know whether these experiments were actually carried out. At any rate, I only found out about that here in this court room. As a prerequisite for the execution Rascher said that it was necessary that they be carried out in the mountains. Himmler had also ordered that these experiments be carried out on the terrain of the Mountain Villa at Sudelfeld. I was to see to it that

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accommodations were available there. Investigations, however, proved that the terrain at Sudelfeld was not suitable for that purpose. At the same time I had heard that there were a sufficient amount of cases of freezing to be found at front hospitals. I therefore asked Rascher why it was necessary for him to carry out any further experiments. He evaded my question and merely declared categorically that he would have to abide by Himmler's order.

Q. What year did that occur?

A. That was at the end of 1942.

Q. The order was at the end of 1942?

A. Afterwards there ensued that conversation with Rascher in connection with accommodations.

Q. And that was intended for the winter of 1943 and 1944?

A. No, for 1942 and 1943. Since the terrain at Sudelfeld was not suitable, some other place had to be found and I handled this matter very negatively. Rascher pressed me on that matter and Himmler was rather indignant, but, at any rate, I couldn't create a house by myself. Himmler subsequently ordered that preparations be made that these experiments could at least be carried out in the next winter. I think I made a mistake, I think it must have been the winter of 1943 to 1944. I'm sure it was 1943 to 1944, and I think that afterwards Himmler said that preparations be made for 1944 to 1945. These experiments, however, were never carried out because Rascher was already arrested in the spring of 1944.

Q. In that case you are saying that these dry cold experiments were not carried out in the mountains in the winter of 1943 and 1944. You assisted in the failure of these experiments being carried out because you delayed finding a suitable accommodation?

A. Yes.

Q. I am now shortly summarizing your testimony with reference to the count which concerned itself with cold experiments.

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MR. HADY: If it please Your Honor, the defense counsel has put questions to the witness and the witness has testified to these questions. I really think summations after each experiment are unnecessary here. That can take place in his closing statement.

THE PRESIDENT: A short summation on the part of defense counsel might be in order, as long as it does not contain too much repetition.

DR. WEISGERBER: Yes, Your Honor.

BY DR. WEISGERBER:

Q. You accidentally attended the completion of a cold experiment of Dr. Rascher at Dachau. You had seen no reports about Dr. Rascher's experiments and received no knowledge about them in any other way. The furnishing of the experimental subjects for the rewarming experiments were not your business, and you actually had nothing to do with it. You attended a further experiment under the circumstances which you have previously described. You know nothing about any dry cold experiments being carried out in Dachau itself. You have succeeded in having delayed and finally completely frustrated the dry cold experiments in the mountains. Is that correct?

A. Yes, that is correct.

Q. After searching your mind, didn't you do anything in that connection which went beyond the orders which were given to you by Himmler?

A. No, in no way at all.

Q. I now come to the next count of the indictment, malaria experiments. The prosecution also connects you with that count of the indictment. During the course of this trial it was mentioned that a certain Professor Schilling was carrying out malaria experiments in the concentration camp of Dachau. Was this Dr. Schilling a member of the Ahnenerbe Society?

A. He neither belonged to the Ahnenerbe nor to the Institute of Military Medical Research.

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Q. When did you gain knowledge for the first time about these malaria experiments of Dr. Schilling?

A. That was at the beginning of 1942. Hamler then briefly mentioned that a certain Professor Schilling was carrying out malaria research work at Dachau. At that time nothing became known to me about the manner in which he was conducting his work.

Q. Did you, in the subsequent period, establish any contact with Professor Schilling?

A. A contact with Schilling was for the first time established around the middle of 1944.

Q. And for what purpose did you contact him?

A. That was a mere courtesy visit in connection with the transfer of Dr. Ploetner, who was a collaborator of Schilling's, to the Institute for Military Medical Research.

Q. You will remember that the witness Vieweg, who was examined here last December, has stated that he had seen you at Professor Schilling's institution. In what connection did you visit Schilling's laboratory?

A. I made Dr. Ploetner's acquaintance at the end of 1943 and I then visited him in his living room which was located at the malaria station where Schilling worked. Otherwise I wasn't present in the station itself.

Q. In other words, you want to say that you had nothing in the least to do with the malaria experiments of Professor Schilling?

A. No, nothing at all. This visit was occasioned by the pectin research work which was carried out by Dr. Ploetner.

Q Did you have anything to do with malaria experiments which were conducted by other physicians or research workers, be it in concentration camp or in another research place?

A Neither the Ahnenerbe nor the Institute for Military Medical Research, nor I personally, participated in malaria experiments on human beings.

Q I shall now have Document Volume IV handed to you. Would you please turn to Document NO-721, Exhibit 126 of the Prosecution, to be found on page 15, page 10 of the English translation. We are here concerned with a file notation signed by you concerning a consultation with Dr. May at Munich on 1 April 1942. Would you look at paragraph four. This paragraph seems to be in contradiction with what you have so far testified.

A With reference to this plan discussed with Dr. May it was only entomological question and investigations regarding combatting insects.

Q Well, paragraph four speaks about observations made on convicts. How about that?

A Well, we are here concerned with information which Himmler issued when he ordered the erection of an institute for combatting insects. It was to be the task of that institution to combat insects which were plaguing human beings, such as flies, lice, and bugs. Himmler wanted to see that the results were to be at his disposal in the summer of 1942. The notation which is available here was dictated in Berlin to my secretary after I returned from Munich. The fact that the name Schilling is misprinted here as Schling indicates that the name Schilling was completely unknown to me at that time and, furthermore, the witness Vieweg has here testified that Schilling was only concerned with experiments of malaria terziana - was not malaria tropica.

Q This notation bears the date of 3 April 1942. From the point of view of time it is after your consultation with Dr. May in Munich. During that consultation it became very clear that any experiments on human beings were out of the question, at least as far as the order went that Dr. May had received. Now it is somewhat surprising that in your notation, dated the 3rd of April, we find this paragraph four. There was really no reason for any such notation being made at that time, was there? How do you explain this paragraph four being included in this notation?

A My consultation with Dr. May on the first of April was the first one with him. I already said that Himmler had been speaking about these experiments, and May immediately declared that an observation of convicts and using medical equipment in Dachau was out of the question since entomological research work was not being considered. And, he said that he had his own methods in carrying out that kind of research work.

Q Mr. President, in this connection I should like to submit Document Sievers No. 11 and I offer it as Sievers Exhibit No. 8. This is to be found on page 24 of Document Volume I. It is an affidavit made by Hildegard Wolff. I read the following paragraphs, starting with paragraph two, and I quote:

"From 1 March 1937 until 1 July 1943 I worked as a secretary in the Research and Instruction Society "Ahnenerbe", Reg. Assn., for the Reich Business Manager Wolfram Sievers.

"Herr Sievers repeatedly gave me assignments to complete, and even assignments to deal with independently.

"From the memorandum of 3 April 1942 on the conference with Dr. May in Munich of 1 April 1942 that was shown to me I remember that Dr. Sievers told me in the course of the very rapid dictation that I should include as paragraph four of this note Himmler's remarks made during a telephone conversation on 1 January 1942 concerning the establishment of the institute at Dachau."

I skip the next three paragraphs and I read the last paragraph on page 24. And I quote:

"At any rate, in this case the wording of paragraph four clearly renders the opinion of Himmler's and not one of Herr Sievers who, as I positively know, was at that time not yet familiar with the establishments at Dachau and who also later repeatedly expressed his annoyance about the fact that Himmler had in any way connected the "Ahnenerbe" with concentration camps."

Then follows the certification.

Witness, now in order to establish your activity in connection with the malaria experiments the Prosecution relies on a number of entries you made in your diary. I shall now have the diary of 1943 and 1944 shown to you.

Would you look at Document 3456PS, Exhibit 123 of the Prosecution, to be found in Document Volume III. This is to be found on page 53 of the diary and page 169 of the Document Book III of the Prosecution which only contains a few excerpts of the diary in its English translation. In your diary under the date of 22 of February 1944 there is a notation about a conference with Dr. May with reference to a collaboration with Dr. Ploitner and Professor Schilling. It, therefore, appears that some connection existed between Dr. May and Professor Schilling.

A The situation is as follows: In January 1944 Himmler told me on the occasion of a conference that Schilling's reports would have to go to the entomological institute of Dr. May for their information. On the occasion of this conference of 22 February, held with Dr. May, I told Dr. May about this order of Himmler. Dr. May replied that there was nothing he could do with these reports and wanted to know why they were being sent to him. He rejected a collaboration with Schilling. Schilling himself never sent these reports.

Q Now would you please turn to the diary of 1943. Look at the entry of the 29 of March 1943, which is to be found on page 164 of the English translation. Under that date of 29 March 1943 a conference is mentioned that you held with the curator and departmental chief Wuest, which refers to the appointment of SS Hauptsturmfuehrer Ploetner. How about this conference-this also appears to be in some connection with malaria experiments.

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A. Dr. Floetner was an SS physician active at some frontal hospital. Himmler had transferred Floetner to the Ahnenerbe.

Q. Witness, you may be a little more brief. Did Dr. Floetner have anything to do with malaria experiments? I mean, did he have anything to do with Dr. May's assignment?

A. No, nothing at all. Wuest at that time rejected Floetner's transfer who at that had not even anything to do with Schilling. Because of Wuest's rejection Floetner went to Schilling because Grawitz then transferred him to Schilling's office.

Q. Now, under the 31st of May 1943 -- there is no translation of this passage -- there is an entry which refers to a conference with Dr. Floetner about the collaboration with Professor Schilling. Did this conference have anything to do with malaria experiments?

A. That must have been 1944.

Q. It is quite possible, yes; it must have been 1944. Now, why don't you turn to the diary of 1944?

A. Yes, 31st of May 1944.

Q. Did this conference have anything to do with malaria experiments?

A. No, it had nothing to do with it. As I already explained before, I only made Floetner's acquaintance at the end of 1943. He bitterly complained at that time that owing to the rejection and the treatment afforded to him by Wuest he had been sent to Schilling against his will, and he asked for assistance to get away from there.

Q. Now, witness, I think that is sufficient since it has obviously nothing to do with malaria experiments.

A. Nothing in the least.

Q. Now, if I shortly summarize: As regards your person there was no participation in any of the malaria experiments of Dr. Schilling?

A. None whatsoever.

Q. The assignment of Dr. May was clearly on entomological field and had nothing in the least to do with the malaria experiments of

Dr. Schilling at Dachau?

A. No, there was no contact whatsoever.

Q. Witness, we have briefly discussed your diary. This diary is considered by the prosecution as an important piece of evidence. For that reason I shall fill in the time until the recess by briefly discussing that diary with you. With reference to your activity as business manager of the Ahnenerbe society it was this position which caused you to keep this diary, which was done very extensively and very carefully. Was this merely a hobby on your part?

A. On the contrary, it was a rather tedious task. Himmler on the other hand had ordered, on the basis of an SS directive, that all agencies would have to keep such a diary. Himmler attached considerable importance to that diary being kept carefully and in an orderly fashion. I therefore tried to give the impression that this diary was kept very accurately.

Q. Could you, in a few words, state an incident which would tend to show what value Himmler attached to the careful keeping of such a diary?

A. This diary had to be submitted to Himmler at regular intervals. After the outbreak of the war, when more important work was to be done, I spoke to the chief of staff regarding this very burdensome task; whereupon he told me that the dismissal of the chief adjutant of Himmler, von Altonslieben, had brought the fact about that the diary had been neglected. Therefore the diaries had to be kept also during the war time as they were kept during peace.

Q. How do you yourself judge the accuracy and reliability of these diaries? Were these diaries kept particularly accurately, and are all the entries in this diary in strict accordance with the facts?

A. Owing to my frequent absence from my agency I often could only dictate these entries after days or sometimes even weeks. These entries in many cases are often not in accordance with the facts,

neither from the point of view of time, nor substance. When looking through that diary one notices discussion of conferences which had lasted until late at night. In these cases we were often concerned with entries which would have to constitute an alibi for certain cases, and likewise the compilation of the points of discussion as they are entered there are often in contradiction to the truth.

Q. Witness, according to the assertions made by the prosecution one could gain the impression that your activity, at least starting from the year 1942, for the most part concerned itself with the facts which are here under indictment. I have thought it to be expedient to look through your diary of 1943 and I found out that in this diary of 1943, which only covers the time starting from the 1st of January up to the 30th of June 1943, you had spoken with 326 persons, either verbally or by telephone. Several persons are listed there with whom you had a number of conversations, and the number of such conversations, including the telephone conversations, amounts to 878. I then selected those persons who are named here within the facts which are here under indictment. I extended the circle of these as far as possible, and I arrived at the number of 21 persons with whom you had 82 conferences during the first six months of the year 1943. Among these 21 persons also appears the curator and departmental chief Muest, with whom you had altogether 23 conferences, that is, personal conferences, as well as telephonic conversations, and it becomes evident from that that you were in very close information contact with your departmental head Muest; is that correct?

A. Yes, absolutely. I could make no decisions at all unless I discussed matters with my departmental head. From this compilation it becomes evident very clearly that a quarter of these conversations were with my departmental chief.

Q I then worked out the percentage of these conversations and persons, and I arrived at the figure of 6.3% of the persons mentioned in your 1943 diary and when considering the 82 conversations, I came to a percentage of 9.2. I tried to include as many persons as possible even including personnel workers in the personal staff of the SS, personnel officers in the staff of the Ahnenerbe, and in spite of all this, I only arrived at this relatively small percentage; is this percentage correct with reference to the counts which are charged here under the indictment as regard to your entire work?

A That is absolutely true; this work was so much on the border line of my entire activities as it is very instructively described by your comparison.

THE PRESIDENT: The Tribunal will be in recess.

(.. recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY DR. WEISGERBER:

Q Now I come to your participation in the sea water experiments. I shall show you Document Book No. 5. Please look at page 21. It is Document NO-182, Exhibit 137. It seems to be a letter from you to Dr. Grawitz dated the 26th of July, 1944. On what occasion was this letter written?

A Grawitz had demanded laboratories in the Institute for Military Scientific Research to carry out sea water experiments for the Luftwaffe. That was the contents of Grawitz' letter of the 11th of July which is mentioned as reference in this letter of mine of the 26th of July.

Q Did not Grawitz ask you to supply experimental subjects as well?

A Neither in this case nor in any other case did I have anything to do with supplying the subjects. Grawitz had said that these questions would be settled by him directly with the Luftwaffe.

Q As this letter shows, you talked to SS-Hauptsturmfuehrer Dr. Ploetner and Oberarzt Dr. Beiglboeck on the 20th of July. Was that the same Dr. Ploetner whom we have spoken about before?

A Yes, that was Dr. Ploetner who continued the pectin work after Rascher was arrested.

Q Had you known Dr. Beiglboeck up to that time?

A No, not up to that time. I met him for the first and last time on the 20th of July. I did not know that I would meet Dr. Beiglboeck in Dachau on that day in this connection. In connection with the sea water experiments I had heard only the name of the Vienna Professor Eppinger, and my very brief conversation with Dr. Beiglboeck referred only to my laboratory rooms available in the entomological institute where

the discussion took place, and Dr. Beiglboeck said that all other questions would be settled directly between himself and Grawitz.

Q How long did this talk with Dr. Beiglboeck last?

A Twenty minutes, as I recall.

Q Now, was not Dr. Floetner to participate in some way in the sea water experiments?

A Yes. Grawitz had wanted Floetner to participate in an advisory capacity as an internist.

Q And did he participate?

A No. In the beginning of 1944, when he took over the Rascher section, Dr. Floetner had refused to participate in experiments on human beings.

Q Did Dr. Floetner not encounter opposition from Himmler in this?

A Himmler recognized Floetner's standpoint and I supported it. It was finally achieved that the Ahnenerbe should no longer be included in research assignments which involved human experiments. That was then exclusively a matter for Grawitz.

Q Now in the document book which you have before you please look at Document L)-183, Exhibit 136 of the Prosecution, on page 20. When did you learn of this letter?

A Only here during the proceedings. The letter did not go through my office. It went from Dr. Brandt to Grawitz.

Q Now let us look at the next document again, the letter to Dr. Grawitz of the 26th of July, 1944. This letter speaks of the accommodation of forty experimental subjects. Did you not instigate that, too?

A No; although there was room for forty experimental subjects in Floetner's section, this room was not used

because the commandant's office had given the gentlemen
from the Luftwaffe rooms, which belonged to the malaria
station.

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Q The malaria station which you or the Ahnenerbe had nothing to do

A That is right, we had nothing to do with it.

Q Now, were you present, at my experiments connected with sea water matters?

A No, I was not present.

Q On one of your subsequent visits to Dachau did you not take an interest in these experiments?

A After the 20th of July, I never went to Dachau again.

Q Did not the Ahnenerbe receive reports on these experiments?

A No, we did not receive reports of them nor did we learn anything about the course of these experiments.

Q Then you say, in connection with the so-called sea water experiments, you did nothing further than to pass on this letter of the 26th of July, 1944, and talk to Dr. Beiglböck in Dachau?

A That is true, that was all I did in that connection.

Q And this discussion dealt merely with making laboratory rooms available?

A Yes.

Q Now, I come to the next complex of questions. It deals with the skeleton collection. I shall have Document Book 9 of the prosecution handed to you. Look at page 1 here. This is document No.-085, Exhibit 175 of the Prosecution. This is a letter to Rudolf Brandt and contains a preliminary report from Dr. Hirt of Strasbourg. This letter deals first with the work done by Dr. Hirt in the field of intra-vital microscopy and the second part contains a suggestion for securing skulls of Jewish Bolshevik Commissars. Was this report from Dr. Hirt made at your suggestion?

A No.

Q Who had this report made?

A At the first sentence of the letter indicates, Brandt had asked for this report. As I learned later, he was acting on Himmler's orders.

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Q What do you know about the background of this report?

A I Learned only later of what had proceeded this report. At Easter, 1942, when Himmler gave detailed instructions for the execution Himmler said that the race office Rassenamt had given him such an assignment already in 1941.

Q Did your office chief, Professor Wuest, talk to you or Himmler about setting up a Jewish Bolshevik skull collection before your letter of the 9th of February, 1942?

A I do not recall that Wuest talked to me about it. Whether Himmler discussed this matter with Wuest I cannot say. I may point out that from May until August, 1941, I was on active service with the Waffen-SS and had only a very loose connection with the Ahnenerbe during this period. After that I was working for the Southern Tyrolean Cultural Association and was way from Berlin almost at the time. It would be possible that a suggestion made by the Rassenamt went through the Ahnenerbe for some reason, although in view of the general nature of the work of the Ahnenerbe there would have been no occasion for this.

Q At any rate, at the time when this letter was written, on the 9th of February 1942, you knew nothing about the previous history?

A No, I did not.

Q Do you know whether any office of the Ahnenerbe had suggested setting up such a skull collection?

A I knew nothing about that. I do not imagine that this happened during my absence.

Q Why do you assume that?

A Because so-called racial research was the duty of the race and settlement main office (Rassen und Siedlungs Hauptamt). There was no section for racial research in the Ahnenerbe.

Q Had you known Dr. Hirt before 1942?

A Yes, I saw him twice previously on official occasions. The first time was in 1936 in Quadlingburg, and the second time was in the spring of 1941 when the University of Strasbourg was opened.

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Q What do you know about Himmler's acquaintance with Hirt?

A As I learned later, from 1931 on Hirt belonged to the SS. His acquaintanceship with Himmler I learned of in 1936 in Quedlingburg. Subsequently, however, I had no opportunity to observe the relations between Hirt and Himmler. I learned, however, that Hirt had been given an assignment by Himmler to decide the anthropological age of the skull of King Henry I.

Q Then you are of the opinion that Hirt enjoyed the special confidence of Himmler?

A Yes, at the celebration in Quedlingburg in 1936, I observed that Hirt, who was present as an Honor guest of Himmler's was given special attention by Himmler and had his special confidence.

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Q. What was the position of Dr. Hirt in 1941?

A. Hirt was a university professor and director of the anatomy Institute of the University of Strasbourg.

Q. Was Dr. Hirt a member of the Ahnenerbe?

A. No, he was not at that time. Himmler appointed him at the end of 1942 or the beginning of 1943.

Q. Then you mean to say the point of departure for this preliminary report was not due to you or some other office of the Ahnenerbe but lay in the relations between Hirt and Himmler?

A. Yes.

Q. This report which we have before us, did you change it any way? Did you add anything to it when you passed it on to Dr. Brandt?

A. I passed on the report in its original form without any comment to Brandt.

Q. Now let us go on a few pages, to page 7. That is Document NO-090, Exhibit 176, page 9 in the English. That is a letter from Rudolf Brandt to you. I shall quote from this letter, the second sentence, "As I have told you before, the Reichsfuehrer-SS is very much interest in Professor Dr. Hirt's work. Perhaps you could call on Hirt some time soon and tell him again that the Reichsfuehrer-SS will place at his disposal everything he needs for his experiments." End of quote. When, and on what occasion, did Dr. Brandt say that to you?

A. As far as I recall it was in a telephone conversation when he asked for Hirt's report for Himmler.

Q. Were you not surprised that Himmler was giving or was going to give Professor Hirt everything he needed for his experiments?

A. No. According to the observations which I had made at this meeting in Quedlinburg and also from the information from Hirt I was able to gather that Hirt was given definitely preferential treatment by Himmler. In such cases Himmler displayed enormous generosity.

Q. But would it not have been possible for you, considering the

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fact that Himmler was very busy, to reduce this generosity some what in individual cases?

A. I could not do that without its becoming noticeable.

Q. But the correspondence went through your hands? If any complaints had been received it would have been possible for you to deflect the matter in some way.

A. That was quite impossible for two reasons. First Himmler, as well as my office Chief Wuest were in direct written and personal contact with the individual scientists. That is shown, for example, by Himmler's visit to Hirt in Strasbourg at the end of 1942 or the beginning of 1943 I don't know exactly when. And, in the second place, Himmler and Hirt met quite frequently so that complaints could reach and reached Himmler from Hirt and other people without my having any knowledge of it.

Q. In the letter which I just quoted the last paragraph mentions a visit which you were to pay to Hirt. When did you make this visit?

A. As far as I can remember that was in the summer of 1942.

Q. Now, I could imagine that a request for you to visit Hirt might lead to the conclusion that you were to deal with the scientific part of Dr. Hirt's work. Now you told us yesterday that your work as Reich Business manager was limited to purely administrative things. How about that?

A. That was true in this case also. I was not to talk to Hirt about scientific matters. Besides he had just sent a report to Himmler about these matters as the letter of 27 February shows.

Q. Now, if we go on to the next page we find Document NO-086, Exhibit 177 of Prosecution, Document volume 9. This mentions 150 skeletons of prisoners. How did you reach this number?

A. Hirt mentioned this number. I have already said that Himmler had visited Hirt in Strasbourg. I was not present during this visit. As Hirt then told me he was to contact Gluecks directly according to Himmler's instructions and if necessary was to use my services as mediator

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if he could not come to Berlin himself.

Q. Before you talked to Gluecks himself, had Gluecks known of Himmler's order?

A. Yes. Gluecks had already received Himmler's order when I talked to Gluecks at Hirt's request.

Q. Now, the next document NO-116 is a letter from Brandt to Eichmann. Why was such a letter sent to Eichmann who worked in the RSHA? Why was this necessary if Gluecks already knew about this order? Gluecks was the man in charge of all the concentration camps.

A. Gluecks sent me to Eichmann. I had not known him at all up to that time. Eichmann had been informed by Gluecks by telephone but he said that he needed a letter from Himmler or from his personal staff, and thereupon this letter was written.

Q. And what did you discuss with Eichmann?

A. I gave Eichmann the report from Hirt and I said that associates of Hirt wanted to conduct some anthropological tests, and that he, Eichmann, was to give them the necessary prerequisites in Auschwitz according to Himmler's instructions.

Q. Now, if we go on in the Document Book to Document NO-092, we find a letter which speaks of short comings. Did these short comings have any connection in obtaining persons?

A. No, there is no connection. This refers to Hirt's work on Lost.

Q. In the next document, NO-087, Exhibit 181, you mention a Dr. Behger. What was Dr. Behger's assignment?

A. Hirt had given Behger the assignment from the persons condemned to death to select certain persons from the institute and conduct anthropological measures.

Q. You say Professor Hirt gave him this assignment?

A. Yes.

Q. This letter of 21 June 1943, which we have here as Exhibit 181, did you dictate it yourself?

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A. No. I did not dictate it as the initial "S-2" indicates. Since I was never in Auschwitz and know nothing about Behger's investigations, only Behger could give the necessary information; and Behger was in direct contact with Hirt and received instructions from him.

Q. But you signed this letter -- why?

A. Since it was a top secret letter - on the basis of secrecy regulations I had to sign it.

Q. Would that not have been a matter up to the curator?

A. Actually the letter should have been sent to Munich and signed by Wuest, but because of the urgency of the matter, as the contents show, this was not possible. It is one of the cases which we have already discussed earlier here. Because of the separation I had to sign letters which Wuest really should have signed; but he had been informed about all these letters previously by telephone and he was sent copies of them.

Q. The next document is in Document Book 9 - NO-088, Exhibit 182. It is a teletype which you send to Dr. Rudolf Brandt. Why was this teletype sent?

A. The teletype was made on request of Dr. Hirt by telephone on the same day.

Q What did Dr. Hirt have to say?

A That can be seen from this teletype. It repeats Hirt's inquiries word for word, and Hirt also made the suggestions which are listed at the end of the teletype.

Q Then you were just passing on a telephone conversation from Hirt?

A Hirt called me up and I sent it on by teletype, yes.

Q The next Document, NO-091, speaks of an SS Standartenfuehrer Baumert.

A Baumert was the head of the personal staff of Himmler.

Q Was he your superior?

A Yes. As staff leader he was my disciplinary superior since the Abnenerbe office was under the personal staff. Baumert had the right to issue instructions to Wuest and certainly to me as Wuest's subordinate.

Q The instructions mentioned here, to dissolve, to take up the collection in Strasbourg, did not originate with you?

A No, not with me.

Q You received the instructions from Baumert and then passed them on to Hirt?

A Yes.

Q And when was that?

A On the 7th of September 1944, as my diary shows.

Q Then after that, did you take any further interest in this matter?

A No. As this note here shows on the 12th of October I was not able to tell Hauptsturmfuehrer Berg anything about the dissolving of this collection.

Q Then did you get in touch with Hirt?

A Yes, I called Hirt up in Strasbourg and then I passed on to Berg what Hirt told me.

Q In this Document NO-091, the final sentence reads: "He (that

refers to SS Standartenfuhrer Sievers -- that is, you) thinks that this procedure was the best one considering the whole situation." Was this your personal opinion?

A. No, I said - I think I merely passed on Hirt's statements to Berg without any comment.

Q. You have Document NO-483 before you. That is the next Document, page 17, Exhibit 184. You recall the testimony on the 18th of December 1946, here, the witness Kiehr, and you know, therefore, what happened in Strasbourg and Metzweiler in 1943 and 1944. When did you learn for the first time of these events?

A. Perhaps in the Fall of 1943 I heard from Hirt that the bodies had been taken over by the Anatomical Institute. Hirt, and no one else, told me what happened in Strasbourg. I learned that only here during this trial.

Q. It was your opinion that the Jews selected by Bohger in Auschwitz as Commissars of the Red army were doomed to death. Did you know of the so-called Commissar Order?

A. Yes, at the Easter discussion in 1942 Himmler had told me about it.

Q. You have repeatedly mentioned this Easter discussion in 1942 which you had with Himmler. Was Hirt present?

A. No; in the beginning Himmler had intended that he should be present but Hirt was not well at the time and Himmler did not want to ask Hirt to take the long trip to his headquarters.

Q. It seems to me that this Easter discussion, 1942, is of decisive importance, for the further developments in the Ahnenerbe and also for you personally; therefore, I consider it expedient for you to tell the Tribunal, as briefly as possible, how this conference came about, and what the essential contents of the discussion were.

A. I shall be as brief as possible. This Easter discussion 1942 was the longest conference I had ever had with Himmler. Usually, conferences with Himmler lasted only a matter of minutes. This

particular conference lasted several hours. The occasion for it was the establishment of a new cultural historical section. Himmler ordered me and Dr. Petrau, who was proposed as the director of this section, to come to this section because there were certain matters of organization and financial matters to be discussed. I went to Himmler's headquarters with the firm determination to discuss with him the intention of attaching to the Ahnenerbe tasks which had no connection with it; especially about human experiments because shortly before I had seen one high altitude experiment in Dachau. I realized that this would be very difficult in my position, and would not be easy. I had, therefore, prepared myself in order to have an excuse for the discussion which held Himmler's attention. The House of Nature - "Haus der Natur" in Salzburg was attached to the Ahnenerbe. That is a big museum for natural history and still exists today, and a procedure had been suggested by the head of this museum which made it possible to preserve all plants, even the most delicate ones, so permanently that both the form and the color were preserved.

Q And you told Himmler about this?

A I had a collection of these plants made up for Himmler and took them with me.

Q You wanted to awaken Himmler's interest so that after that you could present to him what was on your mind?

A Yes.

Q You wanted to get the opportunity to have a long discussion with Himmler?

A Yes; because I knew his mentality I took this occasion to bring about a personal discussion. After the end of the conference with Dr. Petrau I asked him for it, and he granted me ten minutes. He was very much interested in these plants. And then I began to tell him that I did not see any connection between the new military scientific research and the work the Ahnenerbe had done previously,

and I personally did not like it, and I didn't see what I was supposed to do in this field which was entirely alien to me. Then Himmler began a discussion with me, which lasted about two hours - until two at night. From his point of view he presented explanations for all the questions which I brought up, but I held out in my point of view. But Himmler did not change his mind and we came to no agreement. Finally, he said - grudgingly - "actually, as a business manager this is none of your business; you don't have to interfere in scientific matters. That is my responsibility." He said he would take into account the fact that I didn't understand these things, but I had to let him make the decisions, and I should worry about my own duties.

Then I said that I would very much like to know what my duties were. Himmler said that I had to take care of the administrative matters as before, I had to take care of the wishes of the gentlemen, whom he appointed, just as those of the people who had been heads of sections up to now if they asked for my help in administrative matters and wanted to be relieved of the minor details because I knew his point of view. He said that research workers were to carry out research and should not worry about incidental things. He said he would inform the gentlemen, which he did, anyhow as far as the Hirt case anatomical connections, it was a university matter and was none of our business at all. Himmler became quite excited. I asked him for a written order, because they were quite new things. That irritated Himmler, but finally I did get it.

Q Do you mean by this order Document No. 422, which is Exhibit No. 33 in Document Book 1, page 52 -- page 52, Document 422, Exhibit 33: "From the Reichsfuehrer SS to the Reichs Business Manager of the Ahnenerbe, SS Obersturmbannfuehrer Sievers: I assign the Ahnenerbe, etc..."; do you mean this order?

A Yes, this order was given to me at first orally and then on July 7th Himmler repeated it in writing. It also shows clearly what the Ahnenerbe or I was to do in connection with Hirt. Because of my opposition in this matter, Himmler had made a special point of Hirt's appointment. What I was to do is shown by Point 3 of the order. I was to make the necessary equipment and personnel available as is shown also in Point 4. As far as the Ahnenerbe or I was concerned this referred only to laboratories and workshops, that can be seen from the fact that in each case, I had to send the section chiefs to Himmler for experimental

subjects and I believe that enough Documents submitted here have shown that. The question of the experimental subjects was up to Himmler and was always under the RSHA or Glueck. Finally, according to this order I had to deal with the budget for the Military Scientific Research Institute and had to contact the chief of the WVHA. The funds were to be supplied by the Waffen SS, as is shown by a Document which I think is in this Document book.

Q Witness, did you not point out to Himmler during this conference that such research assignments, as those of Rascher and Hirt, might be more effectively attached to the office of the Reichsarzt-SS?

A Yes, I said that yesterday. After Himmler had refused that, I made another attempt in that direction. I approached Hirt because Hirt himself had not expected to get support through the Ahnenerbe, he was even surprised at it and he was quite willing to ask Himmler to attach him to some other organization. He asked me what suggestion he could make to Himmler and when I said perhaps the Reichsarzt SS, Hirt said that he could not discuss that, as he did not want to work under a man like Grawitz as he said that he was a nincompoop, so he would have to get the support directly from Himmler. When this attempt too failed Hirt was put under the Institute for Military Scientific Research.

Q You mentioned the Commissar order a while ago; you know about it?

A Yes.

Q Did you consider this Commissar order legally admissible?

A I am not a lawyer; I can not judge the admissability of such orders. I was a soldier at that time, a private, I

had no commission, when I asked for the order in writing from Himmler, Himmler said as a soldier you have to carry out every order. He showed me pictures of arrested commissars, men and women as well as pictures of German soldiers and civilians who had been terribly maimed and killed by these men and women. I could not then object any further to this matter, but the inner conflict which Himmler brought to his subordinates, through his order, he never worried about them. In the background there were the SS courts and if someone failed, the SS courts administered ruthlessly and they were stricter against SS officers than they were in other cases. I had to adjust myself to this situation, which was very difficult for me as it was an enormous spiritual burden.

Q Witness, now I come to a few diary entries which are connected with this subject; under the date of 10 February 1943 is

THE PRESIDENT: It is almost time for adjournment, as you are now going to proceed with the diary entries in this matter, the court will be in recess.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION.

(The hearing reconvened at 1330 hours, 10 April 1947.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Secretary General will file for the record the certificate of the prison physician as to Defendant Oberheuser's illness.

Counsel may proceed.

HELMUT SIEVERS - Resumed

DIRECT EXAMINATION (Continued)

BY DR. WEISERHUBER:

Q. Witness, I remind you that you are still under oath, and I now want to put to you a few entries in your diary in connection with this skeleton collection. I shall have your diaries submitted to your covering the years 1943 and 1944. Your diary of 1943 contains, under the date of the 10th of February, the following entry, which is to be found on page 45 of the German diary, and on page 163 of Document Volume No. 3 of the English translation. This diary contains an entry to which the prosecution has already referred. It concerns itself with Dr. Bogen. Have you found this passage?

A. Yes, indeed.

Q. For what reason did you concern yourself with this Bogen affair?

A. As I already testified this morning, Dr. Bogen was an old acquaintance of Professor Wirt. On this very day, on the 10th of February, he notified the departmental chief Wuest that he had been drafted into the army and that he, therefore, could not carry out the directives given him by Wirt if he had to obey this order for joining the army. Professor Wuest thereupon ordered me to effect a delaying action regarding this draft; that, in effect, happened.

Q. Under the date of the 16th of June 1943, which is to be found on page 166 of the English document book No. 3, there is a report of Dr. Bogen about anthropological measurements at Auschwitz. Did you gain

knowledge of this report?

1. Yes, Bogen returned from Auschwitz and informed us that he had interrupted the work there, since an epidemic had broken out at Auschwitz. He said that he would have to report about this matter to the NSDAP.

2. How is it that you or the Ahnenerbe concerned itself with that matter?

1. Because, by order of Himmler, the Ahnenerbe was commissioned to take care of this administrative work. Himmler, in Hirt's special case, issued express directives to support Hirt in this administrative work.

3. Now, under the date of the 23rd of June 1943, the execution of X-ray skull photographs are being mentioned. What was your connection with these photographs.

1. Hirt either had or wanted an X-ray apparatus, or perhaps something was wrong with the current. I don't quite know now what the affair concerned itself with at that time. At any rate, it was purely technical.

4. We shall now proceed to the diary of 1944. Would you turn to the entry of the 2nd of February, which is to be found on page 169 of the English Document Book No. 3. Under the date of the 2nd of February, 1944, a conference with Hirt at Strassbourg is mentioned. Obviously, you were at that time at Strassbourg with Hirt?

1. Yes.

5. Did Hirt on this occasion show you his skeleton work?

1. No, I didn't see his skeletons and we didn't discuss that matter. This collection, which after all was a matter for the anatomical institute at Strassbourg, was only discussed with Hirt once, that is, at the early stages, when this work was being developed. On that occasion I expressed my personal disgust about this matter. He, however, ridiculed me and tried to instruct me about this affair by

telling me something about anatomy. He made a few statements regarding anatomy which I didn't know of up to that period of time. In that connection, he stated how anatomical research workers received their corpses, and I was quite surprised at the amount of corpses such an anatomical institution needs. He led me to the big workroom where corpses were prepared and where the students were working. However, I didn't stay there very long. Hirt at the time maintained the point of view that he, as an anatomical worker, would have to attack problems wherever they had cropped up. He said that those persons who had been condemned to death would give them such opportunity, and that to him it appeared to be ridiculous to merely execute them or burn them instead of handing them over to his anatomical institution as it would ordinarily be done with people who had been sentenced to death. I was strongly under the impression of my inspection in this anatomical room and I asked him not to discuss this matter with me in future. He didn't actually discuss it any longer. On this conference, dated the 2nd of February 1944, Hirt only asked me to instruct Dr. Boga to send him the necessary material.

Q. Didn't Dr. Bega collaborate with Hirt at Strasburg?

A. No. Hirt was not in Strassburg himself. He was working in Munich. Bega was formerly active at the Race Office and he knew Hirt from the time of his studies.

Q. Thank you, that is sufficient. Now looking at your entry of the 4th of April, 1944, I put to you that the prosecution concludes from this entry that anthropological measurements were carried out in prisoner of war camps. What do you have to say about that?

A. Anthropological measurements were carried out in this world war just as in the last world war. For instance, I heard about such work in connection with the research of the race research worker, Klaus. He did some research work on members of the eastern population who had been drafted into the Waffen SS.

Q. Concluding this complex of questions, I ask you whether you did anything in that connection which went beyond the orders which were issued to you by Himmler?

A. No, in no way at all.

Q. You are further charged in the Count concerned with epidemic jaundice. When did you get into contact with the experiments with epidemic jaundice? These were experiments carried out at Sachsenhausen and Natzweiler.

A. I only found out here at this present trial in Nuernberg that such experiments were carried out.

Q. Weren't you and the Ahnenerbe or Reich Research Council in contact with Dr. Dohmen? This name has been mentioned here several times.

A. The name of Dr. Dohmen was entirely unknown to me up to the time of this trial.

Q. Didn't the Ahnenerbe or the Institute for Military Medical Research give a research assignment in that connection?

A. No.

Q. Did the Reich Research Council issue any such order?

A. I don't know about that. If such an order was issued by the

Reich Research Council, this was only a matter for the plenipotentiary for the control of epidemics who was the Generalarzt Professor Dr. Schreiber.

Q. Now, if you look at page 65 of your diary of 1944 and page 170 of the English Document Book No. 3, and if you refer to the date of the 3rd of March 1944, you will find the following entry, and I quote:

"Generalarzt Professor Dr. Schreiber was telephoned on hepatitis research." End of quotation. The prosecution takes this entry as evidence that you were connected with hepatitis research.

A. Professor Schreiber at that time telephoned the Reich Research Council because he wanted a conference arranged with Himmler, who at the same time was a member of the presiding council of the Reich Research Council.

Q. In that case Generalarzt Schreiber told you at that time that he wanted a conference with Himmler regarding hepatitis research work?

A. Yes, that is how it was. He wanted to confer with Himmler and the reason he stated was that hepatitis research work was to be the subject of that conference. At that time I entered that I didn't even know what hepatitis meant.

Q. Did Dr. Schreiber at that time discuss anything with you regarding his research?

A. No. He said nothing else. There was no reason for him to do that because he really wanted to speak to Himmler.

Q. During these proceedings the name of Professor Haagen was reportedly mentioned. Haagen was a hygiene professor at Strassburg. Did you know anything about Professor Haagen's connection with hepatitis experiments?

A. No, I knew nothing about that. Professor Haagen never approached me in this connection at all.

Q. I shall have the Document Volume No. 8 shown to you. Would you please turn to page 14 where you will find the Document NO-125, Exhibit 194 of the prosecution. Experiments on human beings are being

discussed there. Did you ever gain knowledge about these experiments up to the time of this trial?

A. No. Nothing became known to me and the names mentioned in this letter I heard here for the first time, names such as Gutzeit and Kalk.

Q. With reference to epidemic jaundice, you are testifying that you had nothing whatsoever to do with this entire research work, and when on the 3rd of March, 1944, you made an entry in your diary, "Generalarzt Dr. Schreiber telephoned regarding hepatitis research," this can be very simply explained by the fact that Dr. Schreiber asked you to arrange a conference with Himmler?

A. Yes.

Q. Witness, in connection with the complex of questions referring to Dr. Rascher, Polygal experiments were repeatedly mentioned during this trial. I shall have the Document Book 11 shown to you. Would you turn to page 22? This is Document NO-614 - I beg your pardon - NO-616, Exhibit 242. It can be found on page 21 of the document volume in its German form. It becomes evident from this document that Rascher received your approval for the publication of an essay in the Munich Weekly Medical Periodical. During the course of your testimony you have stated that you had nothing whatsoever to do with the scientific part of the experiments. Isn't this document contradictory to your statement?

A. No. We are here concerned with a question of publication. Regarding this essay in question, I telephoned my departmental chief, Wuest, who gave his approval for publication. I, in turn, informed Rascher about that, and I, therefore, did not give such approval on my own initiative and under my own jurisdiction.

Q. There appeared a number of entries in your diary of 1944 in connection with the production of Polygal. Could you state quite generally what you had to do with the production of Polygal?

A. As it was already clarified by Dr. Blome's examination, I had received the order by Himmler in the Fall of 1943 to take steps in order to start the production of this coagulating drug. A number of confer-

ences were necessary for that purpose regarding operation rooms, preparations, equipment, and whatever was necessary for any such production. All this becomes apparent from these numerous entries in the diary of 1944. In this connection I want to point to my statement of earlier this morning where I said how these entries originated.

Q. Were you concerned in any form with the development of this coagulating drug?

A. No, I was only included in that work after the development stage had already been completed and when the productive method was to be considered.

Q. Where was production of polygal started?

A. That was at Schlachters near Lindau on the Bodensee.

Q. Who was the head of the production?

A. That was Dr. Floetner.

Q. And was the Ahnenerbe or the Institute of Military Medical Research competent in regards to that Production.

A. At the beginning, yes, and later this was to be transferred to a German Heilmittel G.M.B.H.

Q. And when was that?

A. That was December, 1944.

Q. You will probably remember that the witness Neff stated on the witness stand that you had caused the transfer of a number of inmates from Dachau to Schlachters. Is that correct?

A. Yes that is correct.

Q. Now, I'd like to point out a contradiction which can be found when comparing it to your statement that you really had nothing to do with the furnishing of inmates and now you are stating that you caused the transfer of twenty-five inmates to Schlachters.

A. These approximately twenty-five inmates had already been placed at the disposal of the Department Floetner at Dachau where this coagulating drug was produced in the laboratory stage. When production was started a little later I asked that these inmates be also transferred in order to assure them a more tolerable life outside the concentration camp of Dachau.

Q. In view of the general war situation and the advance of the Allied Armies did you consider such a transfer to be expedient?

A. I asked for this transfer and I thought it was expedient in the interest of the inmates. From the point of view of production this transfer was completely senseless considering the situation at that time.

Q. So you want to say that this transfer was only expedient in the interests of the inmates?

A. Not much fantasy is required to imagine what the inmates would have to experience during the pending collapse and what their conditions in the concentration camp would be. I wanted to save these people from that horrible fate something in which I succeeded.

Q. Did these inmates remain alive?

A. I received reports that they all survived the end of the war under very favorable circumstances.

Q. The prosecution has submitted a document singly, NO. 1424, exhibit 462. This is an affidavit of Dr. Fritz Friedrich Rascher, who is an uncle of Dr. Rascher. It becomes evident from this document that Rascher, in connection with the production of polygal, or rather the development of polygal, was carrying out fatal experiments on human beings. Did you, at any time, know about that?

A. No, I heard nothing about it. After Rascher's arrest, however, in the year of 1944, the Police President of Munich, von Eberstein, gave me a rather excited description of this criminal Rascher. In that connection he said that Rascher had even shot at a human being in order to test his coagulating drug. A confirmation of this statement could not be obtained at that time. I, at first, didn't believe it because so many rumors were

flying around about him and his wife after his arrest - among them that he removed his collaborator Muschler by murdering her. Rascher, incidentally, succeeded in clearing himself of this suspicion of murder. After everything had become known through this trial - everything that Rascher has on his conscience, I am rather inclined to believe it. It becomes also evident from Uncle Rascher's statements how secret Rascher kept his misdeeds. Only by interfering with his nephew's desk Uncle Rascher gained knowledge of whatever he is testifying here. He, at the same time, confirms in his statement that his nephew was raging with anger when finding out about his interference.

Q. Concluding these questions, I put to you Pohl's affidavit which is Document No. 065, Exhibit 221, to be found in Document Book 111 on page 2. I quote - (this is on top of Page 3): "Sivers told me the following: Ahnenerbe, who manager Sivers was, was developing a drug in Dachau, by order of Himmler, which had as its result the quick coagulation of blood. He said that it was very important for fighting units because it prevents their bleeding to death. The experiments in Dachau, during which one inmate was shot at, have proven these results." Did you tell Pohl anything to that effect?

A. MR. HARDY: Your Honor, This Document No. 065 merely pertains to Oswald Pohl's testimony concerning Sivers. I am not aware that the original or the English contains the words "on orders of Himmler" in connection with these experiments to find a coagulant for blood.

DR. WEISBERGER: This is a document which can be found in Document Volume #11 which was submitted by the prosecution. There can hardly be any doubt that this statement of Pohl

refers to the experiment of Rascher in connection with polygal. For that reason I think that this is quite necessary.

THE PRESIDENT: If I understood correctly, counsel for the prosecution was suggesting that there was a mistranslation in the English document book. At least, certain words were read from the German that counsel said were not in the English book. Did counsel for the prosecution make some comparison between the English document book and the German?

DR. EISGERBER: The passage I quoted comes word for word from the German text.

MR. HARDY: In paragraph 4, he stated as follows: "The Ahnenerbe, whose manager Sivers was, had developed in Dachau, by order of Himmler, a medicine....." That isn't in the translation.

THE PRESIDENT: The words "by order of Himmler" are lacking from the English translation. Did counsel for the prosecution examine the German document?

MR. HARDY: I can see the name "Himmler" here, Your Honor, but I could not make out the other German words. Obviously, the defense counsel is correct in his translation from what I see here, Your Honor.

THE PRESIDENT: Will counsel for the prosecution see that the English translation is corrected in accordance with the German? I don't mean right now, but at some later time so it will be correct.

MR. HARDY: I will check the German, Your Honor, and report to you.

Q Did you tell Pohl anything to that effect, that an inmate was shot at in connection with polygal?

A I told Pohl exactly what I had found out from Eberstein. As I already said the development stage of polygal was already concluded when he received Himmler's order to take care of the production. If Rascher shot at an inmate in connection with polygal research then this, at any rate, occurred at a period of time when he had nothing to do with that matter. I only gained knowledge of this alleged shooting after Rascher's arrest, as I already testified earlier.

Q Mr. President, in this connection I offer Document Sievers No. 10 as Exhibit Sievers No. 8. I beg your pardon, Exhibit No. 9. This is an affidavit of Oswald Pohl on page 21 of Document Book Sievers I. I read the essential points to be found on page one of this document, and I quote:

"1. My affidavit of 23 July 1946 concerning medical experiments was submitted to me with reference to my statements in paragraph 4 Sievers (Ahnenerbe).

"2. Sievers' diary of 1944 (Doc. No. 3546-PS) was submitted to me with reference to the entry of 15 June 1944, 9 o'clock, (page 167):

"SS-Obergruppenfuehrer Pohl.

"1. Production of polygal and settlement Felix."

The paragraphs two to six are not interesting here and I shall skip them. I quote again:

"After having read this entry in the diary, I can remember Sievers' visit very well and I can state according to the best of my knowledge and conscience:

"When all relevant points concerning the possibility of producing (installation for manufacture) the blood-stanching remedy "polygal" as well as concerning the other items had been discussed, Sievers told me a few things concerning the Rascher case before I called in the SS-Standardenfuhrer Maurer to discuss the employment of scientist

prisoners in mathematical calculating problems. He informed me that Rascher and his wife had been arrested for jointly committing child substitution and abduction. Through Rascher's arrest several unbelievable things had apparently come to light which were now being investigated. So it was also maintained that Rascher was supposed to have fired at a prisoner in order to test the "polygal". Sievers therefore express an assumption which he himself had only heard, but not a fact which corresponded to his own knowledge."

And then follows the certification.

Q Witness, I come to the next count of the Indictment which refers to the Lost experiments. I shall have Document Book XIII shown to you. Would you turn to Document NO-793, Exhibit 258 of the Prosecution, page 16. This is a letter dated the 9th of April 1942 which you sent to Professor Dr. Hirt. In this letter you are writing about special secret experiments at Dachau. To what experiments did you refer in that entry?

A It referred to the high altitude experiments which were carried out by Rascher at Dachau.

Q The letter is dated 9 April 1942 which is a short time after you yourself had attended a high altitude experiment of Dr. Rascher at Dachau and reported to Himmler 5 April about it.

A Yes, that is correct.

Q Now, looking at this letter of 9 April 1942, I have to ask you whether this letter constitutes your own opinion as to how these Lost experiments were to be carried through?

A This morning I already stated in detail what the subject of my conference with Himmler at East 1942 was. Four days after this I transmitted the directives to Hirt as I received them from Himmler.

Q Did you yourself consider the Lost experiments as being dangerous?

A That Lost experiment must entail a certain amount of danger I said to myself as a layman. However, I did not consider this danger

to be particularly extensive since Hirt had told me by way of conversation that he was carrying out such experiments on NCOs at Military Medical Academy.

Q In this Document Volume XI there appears as a Document NO-098, Exhibit 263, on page 26, a notation which you transmitted to Dr. Rudolf Brandt for his acknowledgement. On the 5th of April 1942, Himmler told you orally, and later in the form of an order, that you were to support Dr. Hirt's task to a full extent. Why didn't you personally deal with this notation which contains a few wishes a Hirt?

A I was only in a position to transmit Dr. Hirt's wishes. In spite of Himmler's basic order I could neither deal with the people's nourishment nor with the question of the second camp physician nor with the question of payment of certain inmates on my own initiative. I had no jurisdiction whatever in concentration camps.

Q Now, would you turn to page 30 of this Document Book which is Document NO-193, Prosecution Exhibit 264. That was the reason for this letter of Ahnenerbe which was signed by you addressed to Dr. Rudolf Brandt?

A The reason for this letter was the report made by Dr. Wimmer on the same date about his being drafted and about the report by Hirt where it is stated that these experiments could not be conducted without the assistance of Wimmer.

Q Did you at that time discuss these experiments with Dr. Wimmer, particularly experiments on human beings?

A The experiments were not discussed with Dr. Wimmer that time. Apart from this affair we only discussed questions of a current nature which were necessary.

Q You know, however, what these experiments were, didn't you? It becomes evident from your diary that on the 25 June 1943 you were in Natzweiler.

A Yes, on the occasion of this visit Dr. Wimmer showed me a few persons with their lower arms bandaged.

Q What was your impression of the general state of health of these experimental subjects?

A There were about ten of them. They made quite a lively impression. I saw one man whose dressing was just being changed and I saw that the place on the treated arm was covered with scurf.

Q Did Dr. Zimmer tell you of any deaths?

A No.

Q In your visit to Natzweiler did you learn anything about volunteering of experimental subjects?

A Yes. I asked several of the persons who were introduced to me by Zimmer. I was told that after a lecture which was given by Prof. Dr. Hirt they had volunteered for this experiment, and I had already learned that from Prof. Hirt. After the conclusion of the experiments he also told me that he had given the commandant a report about the good conduct of the prisoners and had recommended that they be released.

Q Now, we will go on a few pages in Document Book 11; we will find on page 33 the Document NO-195, Prosecution Exhibit 266. This is a letter from Brandt to Ministerialrat Dr. Goernert. It says, "More details about the experiment could be given to you by SS-Standartenfuhrer Sievers." Then at least in the opinion of the person who wrote this letter - that is, Dr. Rudolf Brandt - you were informed of these experiments in Natzweiler?

A I was informed insofar as I knew of the order from Himmler to Hirt. Beyond that I was informed to the extent that I had been able to observe the work when I visited Natzweiler. I must point out that what I saw and heard at Natzweiler did not give me the impression of any special danger. And besides, since I was not a doctor I was not able to gain any definite impression of any method of investigation. Moreover, as far as the medical side of the experiments was concerned, that didn't concern me at all.

Q Now, when did you learn that in connection with these experiments experimental subjects had died?

A. In March 1943 I asked Hirt whether experimental subjects had suffered any harm. He mentioned that two of the experimental subjects had died but that the cause of death had nothing to do with the Lost experiments in both cases.

Q. After this visit in March 1943 did you visit Hirt in either Strasbourg or Natzweiler again?

A. I was not in Natzweiler after January 1943; I visited Hirt in Strasbourg once in February 1944.

Q. Do you know whether, and in what form, Hirt conducted Lost experiments on himself?

A. Yes, in 1941 Hirt told me that he was conducting experiments on himself. When he became seriously ill because of this in 1942 I had to tell him on behalf of Himmler that he was to stop these experiments on himself, but Hirt answered that he couldn't do that, he would conduct any experiments on himself that he considered necessary.

Q. What was your personal impression of Hirt? Was he serious in his research work?

A. I had the best impression of Hirt. I considered him a very serious research worker whose life was completely devoted to science.

Q. In your diary 1944 there appears on the 8th of March a report of Hirt to Himmler in Salzburg. Were you present?

A. Yes, I was present. Also my office chief Huest.

Q Was the course of human experiments and any deaths which had occurred discussed?

A There was no mention of death in this report. Hirt demanded animal experiments to continue the research, but Himmler ordered human experiments. Hirt said that he could obtain further results only through animal experiments.

Q This morning in connection with the Hirt report, at the beginning of 1942, we mentioned intravital microscopy. I should like to ask you only one question to clarify whether this method is applied to human beings or only to experimental animals?

A As I heard at this discussion, and as I know otherwise, these intravital microscopic tests could be conducted only on animals, and this was the reason why Hirt, whose studies were along this line, wanted larger numbers of animals for experiments.

DR. WEISGERBER: Mr. President, in this connection I offer Document SI-No. 9, as Sievers Exhibit 10. This is a letter of the firm Carl Zeiss concerning these types of microscopes. I believe I can dispense with reading this document.

MR. HARDY: Defense counsel said he would dispense with reading this document. However, I object to admission of this into evidence as it lacks the required jurat. It does not comply with the regulations set forth by the Tribunal.

DR. WEISGERBER: It is true that this document has no certificate; that is, the signature of the Zeiss firm is not certified. The Zeiss firm is in Jena, in the Soviet occupation zone, and up to now it has not been possible to obtain a certified copy of this letter from this company. The court has the possibility to admit such document even if the necessary certificate is lacking, if the difficulties of obtaining a certified signature are very great, and that is the case here. Independently of this I have already endeavored to obtain this document with a certification.

THE PRESIDENT: The Tribunal will accept this Document provisionally. If counsel is at some later time able to obtain a proper jurat it will be admitted; if counsel is unable at any time to procure that jurat, counsel may again present the question to the Tribunal and the Tribunal will then rule on it independently. It will now be marked Exhibit 10, provisionally.

DR. EISGERBER: I have already tried to obtain a copy in the prescribed form.

Q In your diary for 1943, witness, you record on 28 January 1943 a conference with Curator Wuest and SS Obergruppenfuehrer Pohl, concerning continuation of the "L" experiments; why was Pohl called to this conference and what was discussed?

A The reason for this discussion was the assignment of a building site for the entomological institute. I had just come from Strassbourg, and I reported to my office chief about the talks I had there with Professor Hirt, the main subject of which was the expansion of the animal breeding at Natzweiler. As I said before, experimental animals were needed in large numbers for Hirt's experiments, and Pohl's approval was necessary to expand the breeding of animals at Natzweiler.

Q In your diary on the 22 May 1943, there is the following entry: "Conference with SS Obersturmbannfuehrer Dr. Brandt about gas experiments, according to letter 14 May 1943"; this diary entry is not contained in the English translation; what were these gas experiments?

A These gas experiments have nothing whatever to do with the Lost experiments; but at this opportunity I can give information about it because the letter mentioned in this diary entry was shown to the witness Meine here during cross-examination.

Q Is that Document No. 1368--., Exhibit 464, which I shall now have shown to you; please look at it?

(The Document is shown to the witness.)

A Yes, it was this letter which was sent to me. According to request, I went to see Meine and I received from him a sealed envelope on which was written "Return Sealed" after taken notice of contents. The witness Meine therefore could not testify anything about this matter. Then, Dr. Gerlow,

who is mentioned in that letter, was at that time the head of the SS and Police Technical Academy. By order of Himmler he was to develop a gas bullet with which it would be possible to make a criminal, who was being pursued, incapable of fighting or acting for a short time, so that he could be seized, but which would not harm him in any way or kill him. The experiments which were made were without success.

Now Himmler, who always had the most remarkable ideas, demanded that Professor Hirt should name a substance which would achieve the desired effect. Hirt, as could be expected, said he was not competent to do so. He said that such a question could be answered only by an expert and then I told Brandt about this for Himmler's information, and later I told Dr. Gerlow, and that settled the matter as I heard no more about it.

Q In any case these gas experiments had nothing to do with Lost or any other poison gas?

A No, nothing.

Q Mr. President, in this connection I would like to offer another Document, which however is also in Document Book No. 2. Upon my investigation this noon, I have discovered that Document Book No. 2 will be finished this evening and I shall submit this Document later.

Witness, the Prosecution has charged you with experiments with the so-called N-substance; in your diary under the date of 23 October 1944, there was recorded a discussion at the Kaiser Wilhelm Institute for physical chemistry; the notation reads: "Discussion concerning special substance, discussion of use and biological tests." Please in a very few sentences explain this matter.

A At a discussion shortly before this, Dr. Ploetner had told me that on orders from Grawitz he was to be called

upon for tests with special substances. There was a meeting at the Reich Research Council when Dr. Ploetner mentioned this, at which Professor Thyssen was participating and I went to him for information about this mysterious new substance as Thyssen knew about the matter. He reacted quite violently to my question, and he called it folly and Utopian thinking on the part of the SS to try and use this substance again or even to discuss it. The head of the technical office in the SS Operations Office (SS Fuehrungshauptamt), Schwab, apparently had suggested something to Himmler because he thought he would be able to have some success and get some laurels from this.

Q. Witness, I think we can shorten the subject a little; you, yourself, watched such an experiment with this N-substance, and what did you observe?

A. Professor Thyssen invited me to watch a laboratory experiment, because he had no concept of N-substance. This experiment took place on the 23rd of October, as the diary entry shows. The consequence was that Professor Thyssen gave me an expert opinion to pass on to Himmler, which I did, so that even Himmler gave up the idea of using the N-substance.

Q. Then the matter was settled?

A. Yes, then the matter was settled.

Q. The next subject, which I shall discuss, is your participation in typhus experiments. I shall now show you Document Book No. 12, on Page 78, there is a Document No. NO-120, Exhibit 297 of the Prosecution; the Institute for Military Scientific Research, according to this, on 30 September 1943 informed the Director of the Hygienic Institute of the University of Strassbourg according to his suggestion of 16 August 1943, the persons desired would be made available; what were the events which led to this letter of 30 September 1943?

A. Information came from Professor Hirt that Professor Haagen had been asked to perform typhus vaccinations in Natzweiler, Hirt wanted Himmler's approval for this and therefore wrote to the Institute for Medical Scientific Research. I passed on the letter to Himmler and after several weeks, as the dates indicate, Himmler approved Haagen's request. Everything else was up to Dr. Lolling, therefore Haagen's request was to be sent through Pohl as Lolling's main office chief and to be sent on to Lolling, who was the doctor in charge of all concentration camps and the letter was passed on on September 30th.

Q. Did Haagen or Hirt tell you about the vaccinations, which they intended to carry out?

A. No, I merely considered from the application that it was a question of typhus protective vaccinations with a new vaccine.

Q. Did this letter from Hirt contain any reference to the fact that there was danger to the life of the experimental subjects?

A. No, it said that there was no danger to the persons involved through the vaccinations although a rather strong fever reaction might be expected.

Q. Subsequently did you ever talk to Hirt or Haagen about the results of the vaccination?

A. I did not talk to Haagen either then or at any other time about it. I saw Haagen for the first time in 1946 in the prison in Nurnberg. Professor Hirt told me at the beginning of 1944 that the typhus vaccinations in Natzweiler had been successful, and I assumed that the expected protection had been achieved.

Q. Did you ever see any report from Haagen or Hirt about this vaccination?

A. No, unless the letter which Hirt wrote to me at the beginning of 1944 might be considered such a report. I passed it on to Pohl almost verbatim.

Q. Now if you will look at page 92 in the document book which you have before you, page 84, I mean, you will find a letter from Haagen to the Reich Research Council dated the 21st of January, 1944. Did you see this letter?

A. No, I did not see the reports which are mentioned in it. They went directly to the head of the Department for General Medicine.

Q. Did all the reports, letters, and so forth, not go over the Board of the Reich Research Council, the managing board?

A. Like all letters they went through the mail room of the Reich Research Council which sent the reports to the specialists in the specialized departments or to their section for a card index and reports. Because of the number of reports and the independence of the specialized departments, the managing board was in no position to take notice of them.

Q. Were you ever present in Natzweiler when typhus vaccinations were carried out?

A. No. As I have already said in answer to a previous question, I was in Natzweiler the last time in January, 1943, and at that time there was no question of typhus vaccination.

Q. Now in Document Book 12 look at page 95. This is Document NO-009, Exhibit 305 of the Prosecution, a letter from Brandt to you. After the receipt of this letter, did you have anything to do with typhus vaccination in any form?

A. No. I passed on Himmler's decision to Hirt.

Q. And that was all?

A. Yes, that was all.

Q. In this connection I discuss briefly your work in the Reich Research Council. I consider it necessary to ask a few questions to clarify briefly your position in the Reich Research Council. How was it that from June, 1943, on you were employed in the Reich Research Council?

A. The head of the managing board, Professor Menzel, appointed me his deputy.

Q. Who was Professor Menzel?

A. Professor Menzel was a ministerial director and head of the office of science in the Ministry of Education. He was also president of the German Research Association.

Q. Had you known Professor Menzel previously?

A. I had known Menzel since 1936. I met him at that time as president of the German Research Association.

Q. What was your function as Professor Menzel's deputy?

A. I was to represent Menzel when he was absent, but that happened only rarely.

Q. And what type of work did you do?

A. Purely administrative. I did not have to reach any decisions in this position. Besides it was a secondary job. I retained my position as business manager of the Ahnenerbe.

Q. Then these two functions were not identical?

A. They had nothing to do with each other. The Reich Research Council was under Goering and the Ahnenerbe was under Hitler.

Q. Can one say that you were an official or an employee of the Reich Research Council?

A. I was neither. I received no salary from the Reich Research Council. I had no contract with it. I was merely given my traveling expenses, nothing else.

Q. Then you mean to say that your position in the Reich Research Council was an honorary one?

A. Yes, it was.

Q. But in this position you got considerable insight into various fields of German research during the War?

A. The research assignments issued by the Reich Research Council numbered in the thousands. Not only because of the number was it impossible to get insight into all this research work, but also because the twenty-five or thirty heads of special departments were very independent in their functions.

Q. Did not the reports on research work go through the managing board?

A. The reports went directly from the persons who had been given the research assignments to the individual heads of special departments.

Q. Were these reports not compiled, printed and made available to a large number of people?

A. Yes, that was done but these printed reports contained only the title but not the contents of the reports or the works.

Q. Do you mean to say that the papers did not show how the research assignments were carried out?

A. No, it did not show how it was carried out in any way.

Q. From whom did you or the managing board learn of the contents of these reports?

A. The heads of departments and the plenipotentiaries told the

Department for the card index and reports, to give them a summarized version of the contents.

Q. Did you as deputy of the head of the managing board receive knowledge in any other way except in writing of the details of the execution of research assignments?

A. No, I did not. For example, I never attended scientific meetings.

DR. WEISGERBER: Mr. President, in this connection I also intend to submit an affidavit to clarify the subject of the Reich Research Council. This declaration is also in Document Book 2.

Q. Witness, the Prosecution also charges you with preparations for biological warfare. Dr. Blome among others has discussed this subject. I believe, therefore, that I can be very brief. On the 16th of August, 1944, you sent a teletype message to Rudolf Brandt. You asked for an interview between Professor Blome and Himmler. Why was this done?

A. Shortly before there had been a discussion between Professor Blome, Dr. Ley and Dr. Borchers concerning the expansion of the production facilities of the firm Borchers Brothers in Goslar. This extension seemed necessary in view of an increase in the production of insecticides. Blome considered that a discussion with Himmler was necessary. He, therefore, asked me to get him an appointment with Himmler and told me what he wanted to discuss.

Q. I shall have you shown Document NO-641 -- Prosecution Exhibit 327. This is, no doubt, the teletype of the 16th of August 1944.

A. Yes.

Q. Point 1 deals with enemy use of insecticides harmful to human beings. What does that mean?

A. Blome said that the Intelligence Service had reported preparations for biological warfare on the enemy side. He did not mention any details. I can say nothing about that. Mention was made of dropping containers with anopheles mosquitoes.

Q And what about the potato beetles mentioned here?

A According to reports from the Reich the potato beetle had appeared in areas where it had been heretofore completely unknown.

Q What about the poison experiments? What does that mean - under #3?

A Point 3 says exactly what Bloem told me on the subject. He merely mentioned that there was a suspicion that there might be some connection with the attack of the 20th of July. He had talked to Himmler about it on the 21st of July and that was incorporated into this letter.

Q Do you know anything about experiments in July, 1943, on Russian prisoners of war which were alleged to be in preparation for biological warfare?

A No, I know nothing about them.

Q On the basis of your apparently only superficial contact with this subject, did you have the impression that active biological warfare was intended?

A No, I did not have that impression.

Q Witness, I now come to the count of conspiracy. In the examination of your co-defendants on the witness stand we have already learned who was in slight or close contact with you and who did not know you at all up to this trial. Which of the remaining co-defendants, with the exception of those who have already testified to this on the witness stand, were known to you?

A Dr. Rosenberg I met in 1942 in Dachau. Later I saw him two or three times in Berlin. Dr. Beiglbosck I met in the middle of 1944 once in Dachau. Of the rest I know no one.

Q As the document books show there was rather close official contact between Dr. Rudolf Brandt and you. Therefore I should like to ask you two questions to clarify this matter. What was your official relationship with Dr. Rudolf Brandt?

A Dr. Rudolf Brandt was Himmler's referent for the SS in the main office "personal staff". Brandt was, in no way, my superior, but Himmler

had ordered that all Ahnenerbe matters, and later those of the Institute for Military Scientific Research, were to be submitted to him through his personal referent Brandt, and also orders, documents, etc., which came from Himmler, or which were issued on instructions from Himmler, went through the hands of Rudolf Brandt. It was generally known that these were personal decisions of Himmler and were evaluated as such.

Q Now, the things which appear in the document books of the prosecution - did you not discuss them with Brandt?

A I talked to Brandt from time to time. I went to see him when it was necessary to obtain Himmler's decision. I brought the pertinent documents along to these discussions. Brandt took shorthand notes on them which he submitted to Himmler. Through this procedure it was always possible to get a decision from Himmler. There were no discussions with Brandt in the sense of planning were out of consideration since he lacked the time.

Q You spoke of urgent decisions which you had to get from Himmler. Was that not something for the Office Chief (Amtschef) to do?

A Yes, that was the case, but that is not in contradiction to my discussions with Rudolf Brandt. My superior talked to Himmler frequently without my presence - more frequently than when I was present, and then he told me what decision Himmler had reached insofar as it affected my work; but Professor Wuest was in Munich and he was director of the university, as I said yesterday, and he did not like to travel. He frequently deputized me to obtain the necessary decisions from Himmler through Brandt. Thus I had to go to Munich very often to hear what Wuest wanted.

Q How often did you see Brandt in general?

A About every four to six weeks, but only for a short time.

Q Now, another question. Did you participate in any medical meetings?

A No. They were none of my business as a layman.

Q Were you not given the assignment to attend such meetings as an observer?

A No..

Q Now, a few questions on your membership in the SS. When did you become a member of the SS?

A At the end of 1935.

Q Did you apply for admission?

A No. Himmler asked me when I had been General Secretary of the Ahnenerbe for several months why I was not in the SS. I answered that I was interested only in cultural work and that I was not interested in service in such a formation. Himmler said that no actual service was necessary, that he would take me into his staff. I asked for a short time to think it over. I talked to Dr. Hiedler about it and at his suggestion I agreed. Then I was accepted into Himmler's personal staff as an SS man.

Q Did you take the so-called SS oath?

A No. There was no formality.

Q Were you promoted later?

A Himmler promoted me Oberscharfuhrer when I joined and then at intervals I was promoted as far as Standartenfuhrer.

Q Were you an SS leader on a full-time basis? (Hauptamtlich)

A No. I was always an employee of the Ahnenerbe Society and I was always paid by the Ahnenerbe.

Q While you belonged to the SS did you perform any service in the SS?

A No, never.

Q Then your membership in the SS was merely on paper?

A Yes, one could say that.

Q Did you receive any Party awards or money?

A No, neither.

Q Were you drafted to military service?

A In May 1941 I was drafted into the Waffen-SS.

Q And what was your rank in the Waffen-SS?

A SS-Schuetze.

Q That is private?

A Yes

Q What was your rank in the SS at that time?

A Obersturmbannfuhrer.

Q And how long did you serve with the Waffen-SS?

A About three months.

Q Was your promotion in the SS recognition of your services as business manager of the Ahnenerbe?

A No, it had nothing to do with that. Himmler wanted to have a pseudo military machine in all his offices, as is well known. For that reason everyone was given an SS rank according to his position.

Q Did this SS rank mean any additional income?

A No, not in my case.

Q Were you ever promoted prematurely in your rank in the SS?

A No, as I just said, when I was admitted I was made Oberscharfuehrer by Himmler, and then I went through all the ranks at the normal rate.

Q Your superior, Curator Wuest, was also an SS member. What was his rank.

A Wuest as far as I recall was taken in as a Hauptsturmfuehrer or Sturmbannfuehrer, and in 1941-1942 he held the rank of Oberfuehrer.

Q That was a few ranks above yours?

A Yest, at the end but Wuest was always one or two ranks above me.

Q Did that express the fact that you were Dr. Wuest's subordinate?

A Yes, I was always Wuest's subordinate in rank as well as otherwise.

Q And my final question - why were you released from service in the Waffen SS after three months.

A Two substitutes were employed who had to be trained when I was drafted and both of these people were killed in an auto accident at the same time, so that I was ordered back from the Armed Forces and was assigned to the personal staff.

DR. WEISGERBER: Mr. President, I have now concluded this subject. I would continue tomorrow morning.

THE PRESIDENT: The Tribunal will be in recess until 9:30 tomorrow morning.

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 11 April 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court.

WOLFRAM SIEVERS - Resumed

THE PRESIDENT: Counsel may proceed with the examination of the witness on the stand. The witness is reminded he is still under oath.

DR. WEISGERBER (Counsel for the Defendant Sievers): If it please the Tribunal, in testifying before the International Military Tribunal my client has already stated that he belonged to a resistance group against the National Socialist regime. This fact has resulted in urgent reasons for my client to remain yet in the position of Reichs business manager of the Ankerbe when fate brought him into contact with Hart and Rascher's experiments, although at first he was firmly determined to give up his position as Reichs business manager of the Ankerbe precisely because he repudiated the experiments which he had seen at Dachau. Now, the question arises, was there a German resistance movement against the Nazi regime. German literature on this political phenomenon exists hitherto only in a very small measure. I know only of a few pamphlets and brief articles. I have heard, how-

over, that there is already a larger amount of literature abroad on this question. Unfortunately, this literature was not yet accessible to me.

Now, to introduce this final chapter of my direct examination, I should like to submit Document Sievers No. 50 as Sievers Exhibit 11. It is in Document Book 2, which is already available, page 25 in this document book.

I offer this document as Exhibit Sievers No. 11. This is an excerpt from the pamphlet by Emil Henk, "The Tragedy of the 20th of July 1944", I quote: --

THE PRESIDENT: That Document does not appear to be on page 25 of the English book.

DR. WEISGERBER: It is on page 27 in the English.

THE PRESIDENT: Proceed, counsel.

DR. WEISGERBER: "The resistance movement against Hitler is as old as Hitler's dictatorship itself. The struggle of his enemies against his system and his terror began on the day he came to power. Hitler had passionate adherents, but he had also resolute opponents willing to die, from the first day up to the very day of his defeat. He was the first man in centuries to split the German people into two hostile and irreconcilable camps.

To be sure the world saw only one of these Germanies: The National Socialist one, proclaimed with the flourish of trumpets by the Goebbels propaganda. The other Germany was hardly visible to the public eye. It was oppressed, prohibited, persecuted, imprisoned in jails and concentration camps. In the Third Reich there were indeed two kinds of Germans. They spoke the same language but they did not understand each other. A fantastic and unscrupulous propaganda spread impenetrable darkness over the real state of affairs. The world stood before the colossus of Hitler's power state, the most thoroughly constructed despotism of all times, and no one knew what was going on behind the walls of this huge prison.

Who were the Political Men that prepared and planned this attempt and which were the Political Parties involved on the 20th of July?

We may say unmistakably in advance: Behind the revolt stood the whole political Germany!

For the time being, I should like to quote only that much.

DIRECT EXAMINATION (Continued)

BY D. WEISSENER:

Q. Witness, in the first part of your examination you have already said how you became acquainted with Hilscher and his group. What were the intentions of Friedrich Hilscher, as far as you know them?

A. On the 30th of January 1933 the rule of the NSDAP became: the movement was at that time much too strong for the people who opposed it to be able to destroy it again. Even the several million members of the trade unions were not able to prevent the destruction of the unions at that time. It was clear to us that at first only consistent infiltration into the NSDAP by the opposition could take place. The advance posts were to build up their posts carefully and try to form nests of resistance within the party. That was a process which could proceed only very slowly, since the entire public and private life was increasingly controlled by the SD and the Gestapo. When in the course of years it became more and more clear that a collapse of the Nazi regime by undermining was not possible, in our opinion the only way left was that of an armed uprising, and we worked toward that aim.

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THE PRESIDENT: What is the date or approximate date, of the publication of this Document; Sievers Document No.50?

DR. WEISBERGER: Mr. President, this pamphlet by Emil Henk was published in 1946 in the second edition. I submitted a copy of this pamphlet as the original Document.

THE PRESIDENT: Proceed.

BY DR. WEISBERGER:

Q Witness, was Hielscher alone in this intention?

A Our opposition group was by no means the only one. In the course of years various other resistance groups were founded. In view of the great danger of their intentions they had to proceed very slowly and carefully before they could establish contact with each other.

Q Can you tell us anything about attempts to establish contact with people of similar intentions from your own experience?

A Yes, before 1933 Hielscher had established contact with a Munich lawyer, Dr. Liedig, who as I learned later, was in very close contact with Admiral Canaris, the head of the Counter Intelligence Service of the Wehrmacht. At the end of 1933, Hielscher came to Munich, where I was working at that time, and told me of his intention to bring Liedig and myself together. In the summer of 1934, that was before the Roehm affair of the 30th of June 1934, there was another thorough discussion between Hielscher, Liedig and myself at his house and at the house of Albrecht Schaeffer at Rimsting on the Chiemsee.

Q Did this connection remain in the following time?

A From that time on I was liaison man between Hielscher and Liedig, until 1936. Because I moved to Berlin in 1935 it was no longer possible for me to continue to act as liaison man, but Hielscher continued to maintain this contact.

Q Mr. President, in this connection I offer Document Sievers No.17 from Document book Sievers No.1, on page No.41; I offer this as Sievers' Exhibit No.12. This is an affidavit of the lawyer Franz Liedig of Munich. This is the same Dr. Liedig, whom the witness has

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just mentioned. Franz Liedig states:

"I declare herewith, that Wolfram Sievers was known to me from 1933-1936 as the liaison man between Friedrich Hielscher and myself. He was reliable, clever, unconditionally discreet and a passionate enemy of National Socialism."

Then follows the signature and certificate.

I also offer from Document Book No. 2, Document Sievers No. 46 which is on page 18. I offer this as Sievers' Exhibit No. 13.

THE PRESIDENT: That Exhibit does not commence on Page 16.

DR. WEISGEMBER: Page 18 of the German, Document No. 46.

Document No. 46, I offer that as Sievers Exhibit 13. This is an affidavit of Albrecht Schaeffer, the same Albrecht Schaeffer whom the witness just mentioned.

"From 1939 on I have been a resident of the United States of America. I left Germany because of my opposition to the Nazi-regime.

"Friedrich Hielscher, whose acquaintance, I made in 1930, was a frequent guest in my house at Rinsting on the Chiem Lake and often stayed there with us for weeks. From discussions, conversations and papers which Friedrich Hielscher showed me, I was convinced that he was a member of an organization which attempted, by placing confidential agents within the NSDAP, to obtain information on the party and to do damage to the regime as such.

"Through Hielscher I got to know several of his friends who belonged to this organization. Among them was also Wolfram Sievers whom he brought along as a visitor in 1943.

"In the course of the conversations which took place at that time, Hielscher told me - as far as I remember in the presence of Sievers - that later worked within the SS-organization, i.e. in the so-called 'Ahnenerbe' which was founded by Himmler; his purpose was to cover up for the activities of the Hielscher organization, to protect members of the organization; to camouflage meetings and mainly to undermine the SS from the inside, and finally to prepare an armed revolution.

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"I therefore believe that Wolfram Sievers joined, and stayed in the SS, only in order to serve the purposes of the Hielscher Organization."

Then follows the certificate.

THE PRESIDENT: Well, counsel, in this affidavit by Schaef-fer, the affiant states that he has been a resident of the United States since 1939 and that he met the defendant Sievers in 1943.

DR. WEISGERBER: That is a typing mistake, Your Honor, it should be 1934, the original Document has 1934. I did not have an opportunity to compare the translation with the original and correct any typing mistakes.

THE PRESIDENT: If that should be an error I desire it be corrected at this time. The date is correct in the German Document book -1934.

BY DR. WEISGERBER:

Q Witness, what were your duties as liaison man to Dr. Liedig?

A I had to carry information between Hielscher and Liedig.

Q And what kind of information?

A About events in the party; for example, the persecution of the church, contact with both Christian sects with the intention of intensifying their opposition to the National Socialist regime. In connection with the church and their knowledge about reliable elements, we hoped to find strength in our opposition at that time. We were also interested in the intention of the NSDAP, agricultural questions and in culture field. From the end of 1933 until the end of 1934, I was with the 'Vohr' Publishing House in Munich, the central publishing house of the NSDAP. Because a great deal of secret information of the party was collected there, I had very good opportunity for obtaining information. I was able to use this opportunity for the benefit of the resistance movement for Hielscher and Liedig.

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Q Through the fact that you moved to Berlin and your work for the Ahnenerbe there resulted for you a new situation. In this new work for yours did you continue to work for Hielscher?

A Yes, my work for Hielscher and his resistance group was really only to begin here.

Q The you first informed yourself about the people with whom you worked - the people around Himmler?

A Yes, I had to fortify my position first and feel my way carefully.

Q Were you in constant contact with Hielscher during this time?

A Yes, that was a prerequisite for the success of my work in this position.

Q And how was this contact secured? I imagine that in everything that you did in this direction at this time you had to work with extreme care..

A UNTIL 1937, Hielscher lived in Berlin which made it possible to have constant contact. In 1937, Hielscher moved to Meiningen. We met in Berlin or at other places. In 1939, Hielscher moved to Potsdam which reestablished constant contact.

Q Did Hielscher give you definite duties for this time too?

A Yes, we wanted to get further insight into the group of people around Himmler to find out the plans and intentions of the SS.

Q Mr. President, I now offer Document Sievers #20 in Document Book, Sievers 1, page 50. I offer this as Sievers Exhibit 14. This is an affidavit of the Government physician, Dr. Ernst Friedrich Ebert, dated 14 January 1947. I shall read on page 51 the paragraph, "I swear" in the top third on Page 51, I quote:

"From August 1938 on I was an active member of the secret organization of Friedrich Hielscher, which from 1933 until the collapse of the Nazi regime fought this regime without interruption, and which was connected with the attempted overthrow of 20 July 1944. In 1938, on the occasion of conferences with Friedrich Hielscher, I met the former Standartenfuhrer and Reich Business Manager of the Ahnenerbe, Wolfram

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Sievers from Berlin, as a member of the secret organization. I know that his duty was to supply us constantly with news from the Reichsfuehrung - SS and, by virtue of his position, to help and conceal our work with all means at his disposal. From numerous meetings with Friedrich Hiel-scher and him, Sievers in the course of following years, I know that he always carried out this difficult task very well."

There follows the certification.

Witness, did you succeed in carrying out this intention of gaining insight into Himmler's entourage?

A Yes, in my capacity of Reich Business Manager of the Ahnenerbe I had to cooperate with Himmler's personal staff, the head of which was wolf, later Obergruppenfuehrer. In the course of time I had a very good opportunity for obtaining information, but I must point out that I always had to be very careful not to disturb the appearance of loyalty.

Q Professor Gebhardt had mentioned the so-called Freudenkreis - Circle of Friends of Himmler. What can you say about that?

A My knowledge of the existence of this group goes back to the year 1936. The circle of friends was composed primarily of big industrialists and bankers who met for a social evening at regular intervals. On these occasions a member or a guest usually gave a brief speech about a subject which interested the group generally. I gained the impression that there were influential people, especially in industry, who wanted to get into contact with Himmler. I remember one case when a personality from industry offered to pay one million in order to be admitted into this so-called Circle of Friends.

Q Is it true that the circle of friends financed the Ahnenerbe?

A No, that is not true. It is true that Himmler received an annual sum of about one million from the Circle of friends, but he used this money for personal representation purposes. The Ahnenerbe received none of this money. It was financed partly from funds of the German Research Association, from Reich funds, occasional contribution, and dues of members.

Court 1

Q Did you yourself belong to this Circle of Friends?

A Yes, from the end of 1941 on.

Q Was this not a personal preference based on friendship with Himmler or did you pay any large sum of money to be accepted?

A It is well known that many high-sounding names often did not have the implied background. This was true of the Circle of Friends. It included a number of influential persons from industry and business who supplied Himmler with funds. These men were, of course, persona grata with Himmler. Himmler wanted in this so-called circle of Friends to make known his cultural ambitions. In this connection, from the end of 1941 on, the Curator and Office Chief of the Ahnenerbe, Professor Wuest, I, myself as Reich Business Manager, and the Main Department Chief of the Ahnenerbe, the Tibet research man, Dr. Schaeffer, were called into the Circle of Friends. Perhaps the paying members - if I may call them that - were considered friends of Himmler and were treated as such by him. For the others this was not the case and certainly not for me. I had no personal advantage from it, but in the interest of my resistance work I had a great deal of advantage.

Q You mean to say then that you succeeded in getting a new and important source of information? .

A Yes, one might say that. I should like to mention an example in this connection. State Secretary Naumann belonged to this circle of friends from Goebbels Ministry. From 1943 on he gave reports in the circle of friends about the situation at the front, the political situation at home and abroad, and Goebbels information service worked quite well at times. Once at a meeting Naumann reported or rather he told us of a stenographic report on a meeting of the British House of Commons by Churchill which he had received two hours after the meeting.

Q In your work for the Resistance Movement did you work alone in the Ahnenerbe or did you have associates?

A As time went on I employed various associations gradually. This was made easier because I succeeded from time to time in having research assignments given to reliable men. In this way, for example, I gave Dr. Hielscher a fake research assignment, and I gave him a pass of a section chief of the Ahnenerbe. After that it was possible for him to travel abroad, which otherwise would not have been possible for him since he did not belong to the Party, SS, or any other organization.

Q Witness, you said yesterday that you yourself could not issue research assignments and now you just said that you obtained a research assignment for Hielscher. Do you mean to say that this assignment was a fake, and that you yourself took the risk for Hielscher's appointment in the Ahnenerbe?

A Yes.

Q Can you tell us how many members of yours or any other Resistance Group were occupied in any form in the Ahnenerbe?

A For people belonging directly to Hielscher's Group, or people in contact with it, I managed to find positions for about ten and to finance them. Besides that, especially in the business

management of the Ahnenerbe, there were about eighteen persons whom I knew were opposed to the Nazi regime. The Ahnenerbe included a total of about three hundred people.

Q Did you also have contact with other resistance groups? You have mentioned Leidig.

A Yes. From time to time I received instructions and information from Hielscher who had all the threads in his hands for his group and his contact with other groups.

Q Can you tell us a few noteworthy cases?

A Hielscher discussed his various conferences with me, with Count Von der Schulenburg, head of the Young Conservative Group of Resistance Movement, before and afterwards. Also with Count Blumenthal who from the end of 1943 and the beginning of 1944 was the man between Stauffenberg and Hielscher.

Q When did you establish contact with these people?

A I was in touch with Schulenburg first. I believe it was in 1940 when Schulenburg and Hielscher got together. We established contact with Blumenthal in 1943. Also, Lt. Von Haeften, Stauffenberg's adjutant.

Q Mr. President, in this connection I should like to offer from Document Book II, Document Sievers No. 52 as Sievers Exhibit No. 15. The document is on page 36 of the English translation. This is a short excerpt from an article in the "Neue Auslese" (New Digest) 2nd year, No. 1. The article has the title "One of the German Resistance." It deals with Count Helmuth von Moltke. I do not intend to read this document but on page 37 I should like to point out a few names. At the top there is mentioned Theodor Steltzer, then Adam von Trott-Zu-Soltz, and Johannes von Haeften.

Witness, this is an article, as I just said from "Neue Auslese". You just spoke of a Lt. von Haeften here. Is the name Johannes von Haeften - is that the same man?

A No. That was his brother.

Q This article on page 36 and 37 gives a number of names who are considered the most important members of the Kreisau group.

Witness, did you have any contact with other members of the Kreisau group?

A Yes. I knew Legationsrat Adam von Trott-Zu-Solz very well.

Q How did you know of his membership in the resistance movement?

A I learned that from him. We learned to know each other in our secret political situation when there was an air raid on Berlin. The name von Haeften was mentioned and after a few careful questions we mutually revealed our antagonism to the Nazis.

Q If I remember correctly the name von Trott-Zu-Solz as well as Friedrich Hielscher occur repeatedly in your diary. If this was a very secret matter was it not careless of you to mention these names in your diary?

A These were camouflage entries in my diary which I discussed yesterday. The frequency of my talks with these men had to be explained in some way and consequently the discussions listed were not the actual ones discussed but were merely alibis. That is especially true of Mr. von Trott.

Q Were you in contact with any other resistance groups?

A Yes. I had especially close relations with the Catholic Group headed by Freiherr von Luedig. Also good relations with the Socialists, represented by Kauchwein and later by Hauberg. Hielscher also worked with Dr. Topf as a respected man in the Democratic or social Democratic circles. I personally had very close relations with Anton von Kliphausen who belonged to the so-called Wolf Group, which also included Kunze (?) for example, who was in contact with the former Reich Chancellor Birth in Switzerland, and there were also connected with Resistance Movement in the occupied territories. I had also contact with Dr. Bomers of the University of Groningen who was an important member of the Dutch

Resistance Movement.

C. Mr. President, my client has just mentioned the name of Prof. Dr. Bommers. In this connection I should like to offer from Document Book I ---

MR. HEDY: May it please Your Honor, it seems to me that defense counsel has gone far enough into this defense of his in resistance movement. That is an attempt at mitigation. That the defendant was a member of the resistance group - they have explained fully what the resistance group did - and I think that the Tribunal is well aware now of the activities of that movement. The witness here is going to have three other witnesses come here to testify in his activity in resistance movement. I would assume that the Tribunal has now gathered sufficient information to determine the status of the defendant Sievers in that particular group. Therefore, I object to any further time being taken up with this resistance movement business.

THE PRESIDENT: Counsel may proceed. Objection is over-ruled.

DR. WEISGEMBER: I offer document No. 14 in Document Book I, page 32, as Sievers Exhibit No. 16. This is an affidavit of Dr. Assien Bohmers, dated 17 January 1947. I should like to read merely a few excerpts from this affidavit. I quote:

"I, Dr. Assien Bohmers, born on 16 January 1912 at Kutfen, the Netherlands, Archeologist by profession, residing at Buitenpost, Julianaleen 375, swear, testify and declare:

"It had been known to me, already since 1937, that Herr Wolfram Sievers kept inwardly very much aloof from the official scientific Nazi doctrine of race, blood and soil, etc. In accordance with this attitude, he tried time and again, and succeeded in keeping typical representatives of the official false doctrine out of this branch of science, and that in order to protect this science. The question arises, of course, why Herr Sievers continued his efforts to gain importance among SS circles. In my opinion, his sole aim was, on the one hand, to form a cell by order and in accord with the resistance groups which existed already at that time. It is difficult now - being acquainted with the development of the Nazi regime - to put oneself in the mental position of those Germans who then, under very desperate circumstances, contemplated the possibility of a revolution."

I shall not read what follows, but on page 33 I shall read the second and last paragraphs:

"It is known to me that Herr Sievers, too, had more or less direct contacts in those years with persons who had connections with agencies interested in news and information from underground Germany."

The last paragraph on this page:

"I have been in a position to observe Herr Sievers during many years under manifold circumstances. For obvious reasons I was originally by no means induced to trust him completely. Nevertheless, I have learnt to admire him as a man, more and more, in the course of years and I have more and more learnt to trust him,

as far as his real political attitude is concerned. His role was not easy and certainly did not pay. At the present moment it is not easy to judge the feelings of the individual resistance men. Their tragic fate was that all their efforts were in vain."

Then there follows the certification.

The following document, Sievers No. 15, on page 35 of the document book I, I offer as Sievers Exhibit No. 17. This is an affidavit of the same Dr. Bohmers, dated 14 February, 1947. It deals with the warning and about the saving of this Dr. Bohmers by Sievers. I ask the Tribunal to take notice of this affidavit.

BY DR. WEISGERBER:

Q Witness, on request of Hiedscher, you maintained contact with a number of other resistance groups; I want to give the Tribunal a comprehensive and concise survey of the nature of your conspiratorial activities. Please be brief.

A According to my position, my main duty was to obtain and pass on valuable information. Also I had to cover difficult situations, to make conferences possible, for which I made my office available, and many small incidents which may seem unimportant to an outsider, but in such a highly dangerous matter we had to be very careful about camouflage and security. It was very important, for example, how many SS troops were in the Reich at any time. It was my duty to get this information. Of course, one could not simply ask the SS main office, but I was able to do it because all of the training of the SS was under the main office and by reason of the fact that Himmler wanted to have the Ahnenerbe publication sent to the troops, and by the addresses and the appropriate number of publications used, I was able to judge the number of troops. This had to be done repeatedly because the revolt was put off several times.

Q You can perhaps give us another example which would clarify your activities?

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Q You can perhaps give us another example which would clarify your activities?

A. Hielscher wanted to find out from me what trips Himmler wanted to make, especially abroad or to the occupied territories. These trips were, of course, always kept secret. Exploiting Himmler's pseudo-scientific aspirations, I asked him whether he did not want to see the Bayeux carpet in France, and the royal graves in Norway, or the Megalithic graves in Holland, and in this way I frequently learned of Himmler's destination, and was able to tell Hielscher.

Q. Now did Hielscher always keep you informed of all details of his preparations about the final aim of this resistance activity? And the final aim, as you have already said, was armed overthrow.

A. Yes, that was clear. Hielscher informed me as far as necessary of the details, and he also informed me about one thing and another; but the individual people never had exact knowledge of everything that was going on, if only for reasons of camouflage; but I knew quite a large number of names of people who belonged to the various resistance groups because I came into contact with quite a large number of people, for example, the circle of friends which I have just talked about; and if names were mentioned in this connection, it might be of the greatest importance to ascertain in what connection they were mentioned, and it was important to watch this.

Q. Was it possible for you in many cases to warn members of the resistance movement who were in danger and thus to help them?

A. Yes, I was able to do so in many cases. Perhaps the most important case was the following: In 1943 I learned, when I happened to be in Copenhagen, that a drive was being planned against the Danish Jews. I heard of the differences of opinion between the SD in Copenhagen and the Wehrmacht Commander in Denmark, about the well known atomic physicist Professor Bohr. Then in Berlin I learned from the counter intelligence office of the Wehrmacht details which made it clear that Professor Bohr was in great danger.

I myself had no opportunity to warn him directly. Therefore, I went to Dr. Von Trott in the foreign office. I informed him of the planned drive against the Jews in Denmark and in particular about Professor Bohr. I asked him whether it was possible for him through his connections abroad to send a warning to the people who were endangered by a reliable means and he said "yes", and shortly thereafter he told me that the warning had been transmitted, and then Professor Bohr succeeded in fleeing to Sweden before the drive was carried out, and later he went to England and then to the United States.

Q. Is this the same Trott-Zu-Solz whom you mentioned before?

A. Yes.

Q. In the Article "One of the German Resistance Movement" which I have already submitted as Sievers' Exhibit 15 it is said that Helke happened to find out that drastic measures were being planned against the Danish Jews. Do you mean this event?

A. Yes; that is the occasion.

Q. Now can you please tell the High Tribunal very briefly about one case or another in which you helped people who were in any way oppressed by the Nazi Regime or deprived of their freedom?

A. I helped whenever I had the opportunity to do so, exploiting the differences between Himmler and Rosenberg. For example, I was able to help the well-known archaeologist, Professor Herhart, and Professor R.R. Schmidt. It was often necessary to take advantage of Himmler's scientific vanity in order to obtain research assignments in some cases, for example, in the case of Professor Loeb, who had been dismissed as a university professor, because his wife was Jewish. Loeb was a geologist at the university of Freiburg. Nevertheless, it was possible to arrange for him to receive a research assignment from the Ahnenerbe.

In 1942 I was able to obtain the liberation of the Norwegian freedom fighter, Professor Solit, rector of the University of Oslo, from a concentration camp, and I also helped the Norwegian university professors, Kroger and Lesbeth. Several hundred Norwegian students in 1944 I had released from the concentration camp Buchenwald by intervening with Himmler. Then in 1942 for the first time

through my contact with Rascher I saw a concentration camp, I was deeply moved by conditions there. Although I had heard about the atrocities and the horrible atmosphere on various occasions, seeing these things myself and the impression of such a slave camp surpassed anything I had been able to imagine. I was especially shocked to see that besides criminal types there were highly intelligent personages. I considered this system devilish, and wherever possible I helped; but it must be considered that I had only very slight opportunities because I had nothing whatever to do with the concentration camp system. Where I could, I tried to have people released, or otherwise I tried to have them given leaves. Thus I was able to have the following Dachau prisoners released: Kutzengruber, Feint, Kreiz, Brom, to mention only a few; and by transferring Floethner's action outside of the concentration camps I was able to create good living conditions for about thirty prisoners and preserve them from the horrors of the last few months of the War. And I took a female Jehovah's Witness into my own house.

DR. WEISBERGER: Mr. President, in this connection I offer from Document Book Sievers I Document No. 29 on page 73. This is Sievers Exhibit No. 18, page 73. This is an affidavit by Didrik Arup Seip, the same Professor Seip when the witness Sievers has just mentioned. This statement, Oslo, 21 January 1947, reads as follows -- I quote:

"When I was discharged from the Prison Prinz Albrecht Strasse, Berlin, on 21 December 1942 after having been interned for seven months in the Concentration Camp Sachsenhausen, I first lived in Munich for several months; then (May 1943) an order was given that I should be allowed

to move about freely in Berlin and later in the village of Gross Kreutz near Berlin. Herr Wolfram Sievers saw to it that I could do scientific work in the libraries of Berlin, and he supplied me with ample money. In March --" the year is omitted here --" I had a rendezvous with Herr Sievers at the house of Friedrich Heilscher in Potsdam. Heilscher hinted to me that he was not a true National Socialist. Herr Sievers gave me complete freedom and saw to it that I could, as well as possible, live with my wife and work. He was always to the point and behaved in a fair and helpful manner towards me." Then follows the signature and the certification.

The next document, Sievers No. 30 on page 75, I offer as Exhibit Sievers No. 19. This is an affidavit of Hedwig Patzer of the 30th of January, 1947.

THE PRESIDENT: Counsel, the Tribunal is disposed to receive these documents which you offer as exhibits in evidence, but I suggest that you read only very short and important portions of them so that the typewritten and photographed record will not be unduly extended. Counsel will have an opportunity at the close of the trial in filing his brief on behalf of his client to call attention of the Tribunal.

DR. WEISCHNER: This is the affidavit of the female Jehovah's Witness whom my client took into his house. I do not intend to read this statement. Then I offer Sievers No. 41 which is on page 116 in Document Book 1. These are the last two pages of the document book, Document 41, the last two pages of Document Book 1.

JUDGE STUBBS: Counsel, in preparing these document books there has been a mistake in transposition in some manner, and a goodly portion of the so-called English

Document Book has the German documents in them rather than the English, and I am inclined to believe that in the so-called German Document Book only the documents beginning on page 111 appear in the English translation.

DR. WEISGERBER: Mr. President, I have a few more complete copies of the English translation of the document book, and I shall see to it that they are submitted to the Tribunal.

JUDGE SEHRING: This is Document Book 1, both English and --

DR. WEISGERBER: Yes.

JUDGE SEHRING: -- German

MR. HADY: The Prosecution's document book is in the same form, Your Honor. I think it involves only one document, however.

JUDGE SEHRING: At the present moment it appears that this involves Document No. 40. Well, as a matter of fact, I have two Document 40's in German. Perhaps it can be straightened out more easily than it appears.

THE PRESIDENT: What number do you assign to this exhibit, Counsel?

DR. WEISGERBER: Sievers Exhibit No. 20.

THE PRESIDENT: This is the affidavit of Friedrich Bromm.

DR. WEISGERBER: Yes. This is a statement by the concentration camp inmate, Bromm, whom the Defendant has just mentioned. I ask the Tribunal to take notice of the contents of this statement. I do not intend to read it.

THE PRESIDENT: The Tribunal will now be in recess. We will endeavor to adjust this matter during the recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

DR. WEISGERBER: Mr. President, during the recess I have got my hands on a few copies of Document Book No. 1 and I request permission to give them to the Tribunal. First, though, I should like to point out one thing. I have ascertained that the correct English text and also the German text of Sievers Document No. 40 is to be found in English Document Book No. 1. On the other hand, in the German document book the English text is also included. I can explain that as follows. The witness Borkenau, whose document this is, gave me at the time his English translation. Then, when I turned in my document book to be translated, I also turned in this English translation in order to be of assistance to the Translation Division. When the document book was finally put together, the defense, according to present custom, has no influence and consequently it was not possible for me to look through this book before it was put before the Tribunal.

MR. HARDY: Your Honor, might I ask the defense counsel whether or not the affiant in Document No. 40, Borkenau, is the same Borkenau that he intends to call here as a witness?

DR. WEISGERBER: Yes, that is the same man so that there is no question of reading this document here.

MR. HARDY: Then there will be no necessity of introducing Document No. 40.

DR. WEISGERBER: No, the witness will appear here. Consequently, this document will not be read.

May I now inquire whether Document No. 41 is in English or in German in the document book before the Tribunal?

THE PRESIDENT: The copy furnished me of Document No. 41 appears in English. I don't know about the other document books but that matter will be corrected. Any that are incorrect will be supplemented with an English translation.

BY DR. WEISGERBER:

Witness, before the recess you mentioned a few cases in which

you were able to assist persons who were repressed by the Nazi regime. Was the assistance that you were able to give in certain cases possible without any further ado?

A. No, by no means. Luck, strong nerves, and courage were an essential part of this. Those who don't know this period from their own experience in Germany can only have an approximate picture of the difficulties that always had to be overcome. Thus, in 1944 the Chief of Staff of the Personal Staff, as my superior officer, wanted to institute a trial against me for doing favors for prisoners and, in this connection, the rights that I had previously had were taken away from me; namely, my right to have immediate personal contact with the division chiefs. I had to carry on a steady warfare with the SD which demanded very careful tactics. This alone, however, was not enough to take care of the ticklish situation. Himmler was president of the Ahnenerbe and from 1943 I could withdraw into my position in the Reich Research Council and frequently I could only master the situation because of this. Let me give a brief example to clarify that matter. Himmler wanted to give Hitler a birthday present, a printed work which was to be printed especially for the purpose. I received the order to arrange for this. I had this volume prepared by a famous Leipzig professor who was known as a book-binder. This artist, however, was not a party member. In fact, he was under surveillance as a Social Democrat and the SD made a great issue of this. It was considered as lese majesty for Himmler to submit a book to Hitler that had been prepared by a Social Democrat. Then, as a matter of fact, Himmler did not use this book for the birthday present as he had intended. I was called to answer for this and only because it was such a high work of art which Himmler saw was I spared difficulties.

Q. Witness, in describing this event you wish to make clear how carefully you were being supervised and watched by the SD, is that so?

A. Yes, that is so, and I can give you an example to prove that I actually was being supervised. In 1944 I had a violent showdown with the SD which was concluded with the assurance that the matter was settled.

However, such assurances were always of a very dubious nature and I found out thereafter that I was to be supervised by the SD in Bayreuth. The SD leader there came to me on the pretense that he wanted to get information on my office which had been transferred to that neighborhood. During the conversation it appeared that we had an acquaintance in common, a man who was closely befriended to this man, and because of this he said to me what his real assignment was. He then sent a report to Berlin which clarified the situation so far as I was concerned. This was just one of those pure accidents that sometimes appear. However, I was sitting on a keg of powder, as it were, and at the end of 1944 or the beginning of 1945 the police chief of Nurnberg at that time wanted to charge me with sedition which, at that time, would have been considerably more than just a concentration camp penalty. However, I regarded it as my human duty always to help whenever Dr. Hielscher or other members of our circle asked for assistance.

Q. Witness, in the first part of your direct examination you stated that the human being experiments with which you came in touch because of Himmler were odious to you personally. Why then did you not, on some excuse or other, abandon your activities as the Reich Business Manager of the Ahnenerbe? Thus, in one fell swoop you would have extract^{ed}/yourself from this complicated position in which you found yourself.

A. In the Spring of 1942 I had already this point of view when I saw the experiments in Dachau. I have already said that during the latter discussions with Himmler I attempted to keep this matter separate from the Ahnenerbe because I wished to have nothing to do with that personally. It is true that after I was frustrated in this effort to effect this separation I might have been able to extract myself in some way or other from this situation. However, this did not take place for the following reasons. As soon as I came in touch with the first experiments on human beings I told Dr. Hielscher and my other friends about them and declared unequivocally that I wanted to have nothing to do with these things and did not have anything to do with them. My friends pointed out

to me that, should I go away, should I abandon the position of Reich Business Manager of the Ahnenerbe, I would not thereby effect the least changes in these experiments that Himmler had ordered and it is true that this is correct, what they said. On the other hand, because of my departure the members of our group would no longer be protected by me in my position in the Ahnenerbe and this would most assuredly direct the attention of the Gestapo in my direction. Everything that I had done in the Ahnenerbe would have been checked very carefully and it could be counted on that the secret thread that led to the other groups in the resistance movement would be discovered. These consequences would be most unhappy for the conspiratorial activities of the group and, moreover, my very important observation post for the Hielscher movement would have been abandoned had I left. After mature consideration and inner struggle I decided to remain at my post in order, in this position, to contribute to the destruction of the Nazi regime. My entire contact with the experiments in which, according to the prosecution, I participated in some way or another consisted, so far as I regarded these matters as criminal, in purely external things. Spiritually, I repudiated them definitively. My external participation consisted only in assisting in the carrying out of the plans, the goal of which was the liberation of the German people; but, nevertheless, I didn't let things just take their own way. I was not, by any means, indifferent to what was going on. Accordingly, among other things I was able to prevent first the undertaking of Rascher's human being experiments, which he was planning on a large scale in the field of cancer research, by interesting the chief cancer researcher in the Reich Research Council, Dr. Blome. Secondly, I was able to prevent what Himmler had repeatedly ordered; namely, the finding of a low-pressure chamber, both in the Autumn of 1942 and in the Autumn of 1943, and this meant that Rascher's experiments were not continued.

A (continued) Thirdly, I prevented the carrying out of Rascher's cold experiments in the mountains because by prolonging negotiations I kept him from getting the necessary equipment. Thus, I was also able to bring about a union of orders from Himmler to Rascher, with assignment by the Reich Research Council. Since Reich Research Council orders were issued at the end of 1942 Rascher did not carry on any further human being experiments, because from then on he was not responsible for his work solely to Himmler but for the first time was responsible also to a professional faculty to which he was obliged to report: to the competent man in the Reich Research Council, namely Professor Sauerbruch. And Rascher would never have been able to stand up against the criticism of such a man. When finally, and fourthly, I met in Dr. Ilseetner the first man who refused outright to carry on human being experiments, Himmler finally in 1944 saw to it that the institute for Military Medical Research no longer had anything to do with human being experimentation and said that such matters were exclusively Grawitz' affair, who also carried them on. I would have been unable to prevent this had I left my position.

Q Mr. President, in this context I offer from Document Book I, Document No. 18, on page 42, as Sievers Exhibit 21. This is an affidavit of Wolfgang Wellmann. From this affidavit I should like to read merely a brief paragraph, namely on page 43, the first paragraph.

"All these actions of Sievers were tactical masterpieces which I admired, as Himmler and most of the other Leaders of Party and State justifiably and continually mistrusted each other and their closest circle and protected themselves by means of a well organized and effectively secret police mechanism."

This affidavit is correctly certified.

As further document I offer from Document Book Sievers II, No. 48, on page 22 in the English book. This will be Sievers

Exhibit No. 22.

THE PRESIDENT: Will you please give me that Document number again.

Dr. WEISGERBER: Document No. 48, Sievers Exhibit No. 22, Sievers Document Book II, page 22, of the English translation, and this I offer as Sievers Exhibit 22. This is an affidavit by Arno Seemann-Deutelmeyer also a member of Hielscher's Resistance Group, and with whom Sievers spoke at great length about the situation in which he found himself because the Ahnenerbe concerned itself with experimentation. Seemann-Deutelmeyer states here in detail a number of reasons for which Sievers at that time was to remain in this Resistance Movement, above all, because of his position in the Ahnenerbe. I need not read this document.

Witness, in view of the goal of the Resistance Movement, namely, an armed uprising - did you undertake any larger plans yourself?

A. In connection with the other groups, it appeared after the collapse at Stalingrad that the appropriate time for action had arrived. Hielscher, Deutelmeyer, and myself had long conversations about how this final goal should be achieved. Hielscher who was also in touch with the leading members of other groups reported on the incomprehensible hesitation on the part of the military clique which primarily was commissioned to do away with the leading Party members. We decided to carry out our own assassination of Himmler and Hitler, and if that were not possible to at least assassinate Himmler as the more powerful man.

Q. You just said that Himmler was the more powerful man. Now please explain that.

A. It does sound funny, but that is the way it was. Hitler looked like the most important man, but Himmler, because of concentration of means of power in his hands was actually the more powerful. Himmler was the center point of the entire Waffen-SS

and of most of the Allgemeine (General) SS. The entire police, including the SD and the Gestapo. From 43 he was Reich Minister of the Interior, and thus in control of the entire internal German control machinery. Moreover from 1944 on, after disposing of Canaris, Himmler took over the entire Military Counterintelligence Service. Thus Himmler had acquired an extraordinary power, and consequently he appeared to be the man whom it was the most important to do away with. There was, however, another important factor.

A. At this time even in higher SS leading circles there already were misgivings about Hitler, which were to be traced back to his false decisions in military spheres, and also to persons like Bormann's attitude toward him by Himmler, whose person seemed to them to be inviolable, and they saw in Himmler to be sure, largely for their own private selfish reasons, the man who should be at the helm of the state instead of Hitler. If Himmler were done away with first, then the danger of civil war would be measurably reduced because there was the opposition to Hitler which was founded on a larger basis, and that after first getting away with Himmler it would be a simple matter to do away with Hitler. We could avoid civil war within the frame work of our revolt and this was in the interest of the nation as a whole which was under serious enough pressure as it was.

Q. Witness, was the intention to do away with Himmler discussed with the other groups of the resistance movement and was it oriented towards their intentions also?

A. In all groups that are armed to act forcibly could only be done by getting rid of the leading personages in the SS and the Nazi regime, that way only could the goal be attained. To be sure it was not easy to reach agreements with the other groups regarding time and technique. This circumstance and the preparations which were necessary to make it possible for us to take over the entire administrative machinery of the State, which was our intention, and this kept postponing the date at which our uprising was to take place.

Q. Now, witness, I should like to hear from you very briefly something about your concrete plans, which as you said previously, were directed toward getting rid of

Himmler.

A. Well the point of departure was the following: The assassination would have to be carried out so that between the time it was carried out and the time it became known, there were at least twenty-four hours. In this way we were to have an opportunity to acquaint the entire State apparatus and the Army with the new state of affairs, and thus, if possible, to avoid a civil war. From the plans that were cast on this point of view, the following seemed to offer the best chances of success: I have already mentioned yesterday the "House of Nature" in which Himmler was very much interested. He had visited it several times and the manager of the "House of Nature" had told him that in a certain region of the Alps vultures still lived. Himmler issued the order to find out where these birds nested and to observe them. After these observations had been concluded, he himself wanted to go there on a hunting trip. The place was found in the Selzechtal in Oberpinzgau in a deep side valley. Roughly, thirty vultures were seen there. I had a film taken of this in order to interest Himmler even more in this abitation. In the summer of 1943 I made all the arrangements necessary for the assassination to be carried out.

2. Witness, in your diary of 1943, under the date of 18 May, there is an entry "Movie Pictures of White Headed Vulture." How are these the movies you just spoke of?

A. Yes, the location was particularly favorable for this assassination. There was a climb of several hours up to the hunting region, which made it certain, even if everything went wrong, that we would have a head start of a few hours. I got hold of a car that could go through

rough terrain and found out that there would only be necessary a short one hour's walk from where the car would have to stop to the hut. The narrow valley, once the car had left the hut up the valley, could most readily be closed for several days. We worked out exactly where it was to take place and when. Signal stations were arranged for which were to communicate the news of the event a few moments after it had occurred, to our men in Berlin, and they would then go into action immediately. This would give us a very great head start and the fact that Himmler was out of the way would only become known where we wanted it to become known, and during this decisive period the orders could actually be given to the SS as if they came from Himmler.

Q. When were the preparations for these plans concluded?

A. They were concluded in the autumn of 1943.

Q. Now how is it that these plans were never carried out? You just said that in 1943 because of the considerable military reverses you thought that that would be a most appropriate time for such an undertaking?

A. There were three reasons for this: First of all, the hunting could only be done between July and September; secondly, it depended on what time Himmler picked for the trip; and thirdly, in 1943, the cooperation between the various groups was not so close that we could have taken over the entire governmental administration immediately.

Q. In other words, you had to put off the carrying out of your plans until 1944?

A. Yes and we made many efforts, continually reminding Himmler of this vulture hunting trip. I spoke to Himmler about personally in January and in March 1944.

At the beginning of 1944 he himself looked at a panorama which was arranged in the house of nature about the life of these vultures, and then Himmler himself set the date for this hunting trip at the end of July or the beginning of August.

Q. Now how come you didn't carry out the plan in 1944?

A. On 19 July 1944, I went to Salzburg to check on arrangements once more for the last time. There while I was on the way I received information on the 20th of July on the unsuccessful attempt on Hitler's life. I hastened back to Berlin to get more details and if possible to help my friends. Our intended attempt was abandoned after the 20th of July, because most of the leaders of our resistance movement, including Hilscher, were arrested, and Himmler called off the hunting trip because of the new duties that were falling upon him as a consequence of his new job as commander of the Reserve Forces (Ersatzweer)

Q. You just said that Hielscher was put in prison in connection with the attempt of the 20th of July. Now I am surprised that you yourself, because you belonged to the resistance movement, were not also arrested.

A. I also was interrogated by the Kriminalrat Neuhaus of the Gestapo. I was accused of participating in the movement and Neuhaus told me that Hielscher had already confessed that I participated and had named the men in his group and that perhaps I could save my life if I named those who were in the Hielscher group. Since we had agreed not to name the names of the others under any circumstances, I assumed quite correctly that Neuhaus was merely bluffing. From his questions I saw that he had pretty well uncovered the threads of these resistance groups and I had to confess that I had known of Hielscher's conversation with Stauffenberg at Bamberg. It was also unfortunate that a letter in the Villa Maefien proved Hielscher's connection with the Ahnenerbe. My explanation of this was not accepted by Neuhaus; I was treated very roughly and brutally by him and he released me with orders to keep myself available until I received further orders.

When I was called for a further investigation, this was in October of 1944, I heard that Neuhaus had been transferred and a Kriminalrat by the name of Saunders continued my interrogation and it was because of this that I got off. Saunders was an old official, very correct and decent in contrast to Neuhaus. I was able to cover for Hielscher on the basis of his phony orders from the Ahnenerbe and in the time that followed I was even able to bring it about that Hielscher

was set free after I had agreed to stand for him; however, the condition was made that he should be freed from prison so that he could join an SS 'probation' troop, but this in turn we were able to prevent as when he was set free there was waiting for him an induction order into the Wehrmacht, which his friends and I had arranged for him.

Q Witness, what would your role had been had the assassination been carried out?

A My active participation in the assassination itself.

Q You firmly intended to take part in it; did you not?

A Yes.

Q This what you and your friends attempted; was it not political murder?

A In our circle, for humane and ethical reasons, we repudiated political murder, what we intended was to liberate the German people and the innumerable foreigners who had fallen into Himmler's clutches. The liberation from a man, whom we regarded as the incarnation of cruelty and conscientiouslessness, the doing away of such a creature, in comparison to whom the brutal and sadistic actions of persons like Caesar Borgia were nothing, appeared to me, in view of the whole situation, as a morally completely justifiable deed. I believe that in this attitude I am in agreement with not only the great majority of decent Germans, including prominent representatives of the two Christian faiths. I am fully convinced that this attitude of mine will be approved by every ethical and righteous thinking person in the whole civilized world.

DR. WEISGERBER: Mr. President, this is the end of my direct examination. I ask permission to submit further Documents at a later date.

THE PRESIDENT: I understand that counsel rests his case for the defense of this defendant at this time.

DR. WEISGERBER: That is true.

THE PRESIDENT: With leave to submit Documents at a later date.

DR. WEISGERBER: The direct examination is concluded.

THE PRESIDENT: That concludes the direct examination of the defense counsel.

DR. WEISGERBER: That is so.

THE PRESIDENT: The court will be in recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 11 April 1947)

THE MARSHAL: The Tribunal is again in session.

WOLFRAM SIEVERS - Resumed

THE PRESIDENT: Are there any questions to the witness on the part of any of the defense counsel?

BY DR. FRIBILLA (Counsel for the Defendant Rostock):

Q Witness, you were deputy business manager of the Reich Research Council and I can assume that you are informed about the business in the Reich Research Council.

A Yes, I can give you information about that.

Q Please, clarify once and for all who was responsible for issuing and supervising research assignments, were those individuals, was it the Board, the business management, or the heads of the special departments?

A For the issuing of the research assignments issued by the Reich Research Council, the only persons responsible and competent were the 30 department heads and plenipotentiaries, who in turn were responsible solely to Goering as President of the Reich Research Council.

Q You said "30 department heads". Was medicine the most important aspect of the Reich Research Council, or were there other departments, for example, how high do you estimate the number of research assignments?

A I cannot give you any information about the research assignments issued in the department for general medicine, or about the the number of assignments issued in any other department. The total of assignments issued by the 30 departments was several thousand.

Q And the persons conducting research in one specific field received their assignment from the head of that department, and if there were any duty of supervision then merely the head of this department would be responsible?

A It was exclusively this head of department who was responsible,

who issued the assignment and who received the regular reports on the research work.

Q These reports were sent to the department head by the research worker, and he passed them on. In what form were they passed on? You know of the red pamphlets. Was there any other form?

A I can explain that to you exactly. The research worker gave a report to the department head. The department head drew up a list every month which was a compilation of all the research assignments. This he sent to the department for card index and reports. These lists contained the name of the scientist who was carrying out the assignment, the title of the work in very brief summary, and sometimes the number of the assignment and the priority rating. The department for card index and reports sent these reports, in the form which I have just described, to persons who were interested. They, in turn, if they wished to, could approach the individual research worker for further information. From time to time, about every six months, these lists were compiled into the so-called red reports. These were printed, the lists were merely mimeographed, and these red reports were sent to the members of the Board (Presidential-Rat), that happened about every six months or nine months. These red reports contained nothing but what was in the list, that is, merely a summary, the name of the scientist, and the title of the assignment.

Q Can you state precisely from your own knowledge that in addition to these lists, and in addition to the red booklets, these people, for example, the Board, did not receive other regular and more detailed reports? Or is it your opinion that the members of the Board received only these lists and red folders?

A There was never any other report issued.

Q Now, you have said that the department head was alone responsible for his particular field, that is of great importance for my case and for that reason I should like to ask you a very concrete question. From the proceedings so far, you have heard that Professor Rostock

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from 1944 on, that is in the last year of the war, was in the Reich Research Council as deputy of Brandt as member of the Board. If, in that capacity as deputy member of the Board in the year 1944, he wanted any research assignment changed in any way or had any objection, could he intervene personally or did he have to approach the department head, and who would that have been?

A. Personal intervention was quite impossible. He could only have gone to Geheimrat Sauerbruck and whether he could have induced him to effect any change he wanted-I do not know, but considering the personality of Mr. Sauerbruck, I imagine he would not have done any such thing.

Q. Then the Board was a curatorium, as it were, and had nothing to do with managing the affairs of the Reich Research Council?

A. The Board had nothing to do with the management. It included a large number of important personages, who as I said regularly received these red reports, and the members of the Board were also invited to the meetings, but generally they did not come, did not send any representatives. It had no doubt originally been the aim to avoid duplication of work in this way but it appeared that people were very eager to sit on the Board, but actually did not want to give the Reich Research Council anything, merely wanted to obtain benefits from it. From my own knowledge I know that satisfactory cooperation existed only between the representatives of the army, the navy, the post office, and I believe the Food Ministry, and the Reich Forestry Office.

Q. I have one more question. You know the Institute for Military Medical Research, the Ahnenerbe in Dachau and in Strassbourg. I believe you said that these were exclusively under the Ahnenerbe and, therefore, under the Reichsfuehrer SS?

A. Yes.

Q. Then these institutes were never under the Commissioner General for Medical and Health Matters?

A. No, certainly not.

Q. Now, I have one more question. Somewhere in this rather extensive diary under the date of 1 June 1946 there is an entry that Professor Rostock made an inquiry of you about the drug polygal and that you answered this inquiry. Do you recall this event and what happened?

A. The occasion for this inquiry, and this was referred to, was the publication in the Munich Medical Weekly (Muenchener Medizinische Wochenschrift) and because of this publication Professor Rostock asked

to be sent a test sample of polygal.

Q. And your answer was to the same --

A. I believe Dr. Floetner sent this sample to Dr. Rostock.

Q. That was all?

A. Yes.

DR. PRIBILLA: I have no further questions.

DR. TIPP: Dr. Tipp for the defendant Weltz.

BY DR. TIPP:

Q. Witness, how long have you known Professor Weltz personally?

A. Since the beginning of this trial.

Q. Did you or the Ahnenerbe have any correspondence with Professor Weltz or his office?

A. No, certainly not, as far as I know.

Q. And did Rascher, who as you know was assigned to Professor Weltz, for sometime ever talk to you about Weltz?

A. Yes, he spoke of Professor Weltz a few times but I had no real idea about him because I did not know him personally or officially.

Q. Now, will you please tell us what Rascher said about Professor Weltz?

A. He wasn't very polite. He called him a typical scholar of the old school and he said he was slow thinking, especially because he did

not accept Rascher's new ideas, and Rascher made fun of the Christian Catholic attitude of Dr. Wetz. He said he was limited by his religious ideas and this at that time always implied a certain threat to the state.

Now, in connection with Rascher's high altitude experiments in Dachau, I should like to discuss a document with you. It is in the German Document Book 2, on high altitude experiments, on page 61 of the English, which is page 59, the number is 1581-PS, Exhibit 48. It is a letter from the defendant Rudolf Brandt to you, dated 21 March 1942. I shall quote for the sake of simplicity: "The Reichsfuehrer-SS, Personal Staff, Fuehrer Headquarters, 21 March 1942, to the Reich Business Manager of the Ahnenerbe, SS Obersturmbannfuehrer Sievers, Berlin, Dahlen:
Dear Comrade Sievers: I refer to your inquiry of the 9th of March 1942 concerning Dr. Rascher." I want to correct myself, the letter is dated 3 21 1942. "Reference is made to the sub-atmospheric pressure experiments which are being carried out on concentration camp inmates in the Dachau camp by the air force. The Reichsfuehrer SS has approved these experiments under the condition that SS 2nd Lieutenant Dr. Rascher, who is anyhow a medical 1st Lieutenant of the air force, takes part in them. I am sure that Dr. Rascher will be able to give you further details.
Heil Hitler. Rudolf Brandt."

You have already said in your direct examination that your inquiry of March 9, 1942, which is mentioned here, was an inquiry as to what Rascher's experiments were about. Now, I should like to know the following. Did you perhaps learn from Rascher for what reason he wanted to be attached to the Ahnenerbe, which he finally managed to put through with Himmler?

A. From the documents which have been submitted here it can be seen that as early as 1941 Rascher had established contact with Himmler, but only in the beginning of 1942, after the high altitude experiments had been begun, was there any contact with the Ahnenerbe. I asked Rascher later why he had been ordered to come to the Ahnenerbe. He gave quite an extensive answer. I cannot remember everything that he said

now. Rascher did not want to come to the Ahnenerbe. He wanted to work under Himmler. In 1942 Himmler ordered that he should be attached to the Ahnenerbe. Before that Rascher was attached to Himmler's adjutant's office in Munich, and he later retrained this association. It was my opinion that Rascher was primarily interested in being free from supervision, including supervision from Professor Lelitz's institute. I could see no convincing reason for this at first and besides it was none of my business, but as early as 1942 Rascher wanted to get to a university, and he tried the University of Munich first. He went to the office of the chief of the Ahnenerbe, Professor Wuest, who was at the same time director of the University of Munich. From Wuest I heard later that both Professor Schittenhelm, as well as Professor Lelitz, had refused to help Rascher qualify. These two gentlemen were on the medical faculty of the University of Munich. My own personal opinion about Rascher had no significance at that time because I had no right to pass judgment on a scientist, but in any case my personal opinion was confirmed by what Wuest told me. Unfortunately, Wuest did not draw any conclusions from this fact at the time I talked to him about it. He even refused to talk to Himmler about the matter although he could have based his arguments on the judgment of these two authorities. I would conclude from this circumstance that the fact that Wuest refused to help Rascher achieve his aim contributed to his action to dissolve his association with Wuest.

2. Then I should like to discuss another document with you. It is in Document Book 3 of the prosecution, page 84 in the German and 77 in the English. This is Document 1609PS, Prosecution Exhibit 92. It is a personal letter from Reichsfuehrer SS, Field Headquarters, 24 October 1942. It is marked Top Secret. It is addressed to Dr. Sigmund Rascher, Munich, and I quote:

"Dear Rascher:

"I acknowledge receipt of your letters of the 9th of October and of the 13th of October 1942. I have read your report regarding cooling experiments on human beings with great interest."

I skip a few things and go on to the next paragraph:

"I regard those people as traitors who still do reject these experiments on humans and would instead let sturdy German soldiers die as a result of these cooling conditions. I shall not hesitate to report these men to the offices concerned. I empower you to make my opinion on this known to the concerned offices."

The rest of the letter is of no interest here. It is signed "Heil Hitler, Yours, Heinrich Himmler."

Can you tell us, witness, did Rascher talk to you about this document?

A. Yes, I remember it very well. When Rascher received this letter from Himmler he came in with it triumphantly and said that now, finally, thanks to this clear decision by Himmler, he had received the authorization to work without restriction, and now everybody should be careful who were opposed to him and objected.

Q. In this document the Luftwaffe doctors are mentioned who were apparently against Rascher. Do you have any reason to believe that Professor Weltz was referred to in this document by Himmler?

A. I can only speak about Mr. Weltz because Rascher mentioned - as I said in answer to your previous question - he named Mr. Weltz as an example.

Q. Weltz was explicitly mentioned?

A. Yes.

Q. Now, you knew Rascher fairly well, witness.

Can you tell us, could Rascher be expected to make use of this document?

A. In view of Rascher's mentality and character that was only too certain. In my opinion, by giving Rascher this authorization, Himmler put a dangerous instrument into his hands because he knew that Rascher would use it, and Rascher felt so sure of himself in possession of this authorization that even to me who was higher in rank though not his superior he dared to say that now, on the basis of this authorization by Himmler, I would withdraw any objections to these experiments. There was nothing to do since Rascher had this authorization but to be very careful, although my conscience was not satisfied.

Q. The poor relationship between Professor Weltz and Rascher which you have mentioned, at least after Rascher had this letter, meant a considerable danger for Professor Weltz?

A. I assume so if Weltz had given Rascher any occasion then Rascher, on the basis of this authority from Himmler, would have acted accordingly.

Q. I thank you. I have no further questions.

BY DR. FRITZ (Defense Counsel for the defendant Rose):

Q Witness, did you know the defendant Rose before the collapse?

A No.

Q Did you ever have any correspondence with him?

A No.

Q In a letter from Professor Hirt to you - it is Document 792 in the Prosecution Document Book 13 - Professor Hirt mentions Professor Rose as a specialist in the field of entomology. He adds, however, that Professor Rose does not belong to the SS. Witness, why did you not get in touch with Professor Rose on the basis of this recommendation?

A In connection with the establishment of a entomological institute which Himmler had ordered on the 1st of January, 1942, I asked not only Professor Hirt but also various other personages and institutes, on instructions from my chief, about a suitable specialist. All the answers received, including that from Professor Hirt, I passed on to my office chief. Since Professor Wuest then found a specialist for the institute himself there was no need to get in touch with Professor Rose about the matter.

Q And another question in a different connection. In discussing the experiments of Professor Haagen with his new typhus vaccine in Natzweiler did any one ever speak to you about any participation of Professor Rose?

A I did not participate in any such discussions, but I never heard the name of Professor Rose mentioned in this connection.

Q Now, my final question in still another connection. Did you ever hear that Professor Rose had any part in the malaria experiments of Professor Schilling at Dachau?

A Since I myself know nothing about these experiments I can tell you nothing, but as I say, I never heard the name of Professor Rose mentioned at all except in this letter from Professor Hirt.

Q No further questions, Mr. President.

(DEFENSE COUNSEL FOR THE DEFENDANT ROMBERG)

BY DR. VORWERK

Q Witness, you said yesterday that you know the defendant Dr. Romberg. About how often did you see him?

A I saw Romberg once in Dachau and later two or three times in Berlin.

Q Where did you see him in Dachau?

A I saw him when I was there at Rascher's invitation to watch a high altitude experiment which Rascher carried out together with Dr. Romberg.

Q About when was that?

A That was at the end of March or the beginning of April. In any case, it was shortly before Easter because at Easter in 1942 I talked to Himmler about it.

Q Then you saw an experiment on this occasion?

A Yes.

Q Was that the only time that you were in Dachau and saw an experiment?

A It was the only time that I saw a high altitude experiment in Dachau. I was in Dachau several times.

Q Were the experiments which were carried out in your presence in Dachau carried out correctly and with the necessary sense of responsibility as far as you could judge as a layman?

A I had the impression that they were carried out with great medical care. I noticed that in one experiment the experimental subject complained of a violent earache and Romberg immediately changed the pressure and the man who was in the low pressure chamber indicated that the pain had stopped.

Q Can you tell the Tribunal anything about whether these subjects were voluntary or not? Do you know whether they were volunteers or not?

A I spoke about that yesterday in my direct examination. I asked both the people myself. Both of them assured me that they had volunteered for this experiment.

Q You did not ask any one except these two experimental subjects?

A There were only these two used in this experiment and I also said yesterday that I asked these people how many had volunteered. They said: "All of us volunteered but we didn't need that many people for the experiment."

Q Did these two people also tell you why they had volunteered?

MR. HARDY: Your Honor, the defendant has rather elaborately explained this situation to during the course of his direct examination. I don't see any reason why we have to go over this material again. I object to this line of questioning, Your Honor.

THE PRESIDENT: The defendant may answer the question.

Q. Will you answer the question, please, witness?

A. You asked me about the reason. Yes I asked them about that. They told me that they had volunteered because this gave them an opportunity to improve their position in the camp - their situation.

Q. Witness, so you recall what insignia these two experimental subjects wore and whether that indicated whether they were criminals, political prisoners, or what they were?

A. I cannot remember any insignia but the one man with whom I had a conversation told me that he was in security custody in Dachau. As profession he was a safe cracker, so he told me - so I assume he was a professional criminal.

Q. Now another subject. Do you know whether Rascher was responsible for the administration and the organization of the experiments, for example, feeding, shelter, and so forth for the experimental subjects?

A. Unless that was up to the camp administration itself, of course, Rascher was responsible for it.

Q. Do you also know whether Rascher was competent for the selection of the experimental subjects or whether Dr. Romberg had any influence on it.

A. Romberg certainly had no influence whatever on that because Romberg was a civilian and could not give any orders in concentration camps.

Q. Would it have been possible for Romberg to consult the files on the prisoners to obtain information about the sentence passed, about previous commitments, etc. Was that possible?

A. In my opinion that was quite impossible. Romberg would never have been able to see these files. It is the same thing I just said - Romberg was a civilian. I don't believe that a civilian would be allowed to see the files on criminals.

Q. Do you consider it possible that Romberg could have exerted any influence on the experiments Himmler had ordered Rascher to carry out, in particular would Romberg have had power to prevent fatal

experiments be carried out by Rascher?

A. I cannot imagine how he could have done that. Rascher was an absolute autocrat. He relied on his personal relations with Himmler and he made ruthless use of this position.

Q. As far as you know what was Dr. Rosenberg's opinion of Dr. Rascher?

A. As I said I saw Rosenberg only a few times. I always had the impression that Rosenberg had definite reservations in regard to Rascher. I was given this impression at the first visit in Dachau. Rascher did not want Rosenberg to take any consideration of the pain of the experimental subjects, and at later meetings when we saw each other two or three times in Berlin, when Rascher was present, I also had the impression that Rosenberg tried to restrain Rascher when something was not going fast enough for Rascher. And, Rascher said to me that Rosenberg was sometimes a brake on him and hampered him in his work. I can tell you nothing else. I didn't get more information about this matter.

Q. Do you know that Dr. Rosenberg saved the life of the tailor as testified here?

A. I heard the testimony but I know nothing about it before.

Q. Didn't Dr. Rascher tell you about this when you visited Dachau?

A. No there was no mention of it.

Q. Do you believe that if this incident had occurred before your visit Rascher would have told you about it?

A. I assume so - on the basis of the tension I later discovered between Rascher and Rosenberg.

Q. Then it is your opinion that this occurred only after your visit?

A. I would assume so - yes.

Q. When were you interrogated for the first time about these high altitude experiments, witness?

A. Shortly after I was taken prisoner in May 1945.

Q. Were you examined on this subject while you were under

arrest in England?

A. Yes, I was taken to London for that purpose.

Q. And what was the point of view of the interrogation?

A. I was the only non-scientist there in a special camp for scientists and finally I was asked about scientific matters.

Q. What do you believe that the interrogator was interested in proving to you?

MR. HARDY: Your Honor, these interrogations the witness was subjected to in England are completely irrelevant here. I object to this line of questioning as irrelevant and immaterial.

THE PRESIDENT: The objection will be sustained.

Q. Under whose jurisdiction was Rosenberg after he went to the concentration camp?

A. On the basis of the waiver which everyone had to sign he was under the SS and Police Courts.

Q. How do you explain the great interest which Himmler had in these experiments on high altitude research so that he tried to obtain a low pressure chamber. Was that on behalf of Rascher or were they merely altruistic measures on behalf of the Luftwaffe?

A. All of Himmler's reasons and motives in pursuing his intentions I cannot say. But, certainly he was following up his own interest in that case and had a definite goal in mind.

Q. What goal do you believe Himmler had in mind in this case?

A. It is well known that Himmler had ambitions to set up a Luftwaffe for the SS. While I was serving with the troops in 1941 I saw that during a roll call a decree from Himmler was read calling on men to join the Luftwaffe and it said specifically that only the bravest, most courageous people should volunteer. And, the superior officers spoke of an SS Air Force. I noticed that particularly at the time because otherwise the SS tried to get men from other branches of the Wehrmacht into the SS rather than to give them up.

Q. Do you know that Himmler had strong ambitions to set up an SS Air Force. You just answered this question. Did that go any farther

or was that the only indication you had?

A The only evidence I had was my experience with the troops.
What other talk there was-I got only from hearsay.

Q What do you know personally about Himmler's efforts in regard to high altitude experiments in addition to evidence which had been submitted here before the High Tribunal?

A In the fall of 1942 Himmler gave me an assignment to buy a low pressure chamber for the SS.

Q And what did you do? Where did you buy it?

A I did not try to find it immediately - on the contrary. Rascher had said often enough that the Medical Inspectorate was making difficulties and that the DVL was obstructing his efforts. Therefore, he was quite enthusiastic when Himmler gave me the assignment to buy a low pressure chamber of our own in case the Luftwaffe refused to lend their low pressure chamber to Dachau. Rascher said this would be the best thing and then Reichsfuehrer wouldn't have to let the Luftwaffe lead him around by the nose. When I had this assignment I called up Dr. Romberg in the DVL. I did not know his attitude exactly but I knew it well enough from Rascher's statements. I assumed that he would react in the way that I expected him to.

Q. What do you mean by the way you expected him to act? What reaction did you expect from Rosenberg?

A. The letter which was shown to me a while ago, the letter from Himmler to Rascher, was already accessible at that time, and any opposition would be considered as high treason. In order to achieve anything we had to proceed very carefully. I asked Rosenberg whether he intended starting a new series of experiments with Rascher because I had an assignment from Himmler to buy a low pressure chamber. Rosenberg said he knew nothing about it and he had no definite intentions of collaborating with Dr. Rascher in a new series of experiments and I asked him not to talk about the matter any further because I was sure Rascher would not like it, and I said I assume you could have informed me of the details and I assumed that because the reluctance was palpable that something would be done.

Q. And do you know what happened after that?

A. Of course, I don't know what Rosenberg did, but shortly thereafter I approached the SS raw materials office which was in charge of obtaining machines and supplies. The raw materials office said that the firm could deliver a low pressure chamber only after several months and that it would require the highest priority, but to obtain this highest priority one needed the approval of the Luftwaffe because the SS could not prove any urgency or a great need for a low pressure chamber and then the contract was not given, could not be given, because the priority was blocked. One year later, in the fall of 1943, Himmler again issued an order for me to obtain a low pressure chamber with the head of the Reich Research Council. This can also be seen from one of the last documents submitted, a letter from Rascher to Pfannenstiel I had, referring to an opinion of the head of the Research of the Luftwaffe, which I pretended I had obtained; that from the point of view of the people involved in the work of research in the Luftwaffe, it was not necessary to continue research on high altitude and no low pressure chamber could be made available because it was

urgently needed for testing pilots, so Rascher could do nothing against this explanation of mine, because Rascher was known by the medical inspectorate but not by the people in charge of the research at the Luftwaffe.

Q. Witness, did you ever talk to your superior, Professor Wuest about Dr. Romberg, and in what connection?

A. Wuest told me of a conference which took place in Himmler's field command which was in the presence of Romberg and Rascher, and on this occasion he said that the young man of Rascher, had appealed to him very much. He did not remember Romberg's name any more. Romberg had not only opposed Himmler but also had given him no explanations which had lead those present to fall into an embarrassed silence.

Q. Did he also tell him in what points he opposed him and for what reasons?

A. The question at that time was one of a report on the high altitude experiments already concluded, and on this occasion there was discussion for the first time of carrying on further experiments, namely, the freezing experiments.

Q. From this statement of Wuest, would you say that Romberg refused to carry on further experiments with Rascher or just what impression did you have?

A. Wuest was prejudiced against Romberg without any real cause. It was not in his nature to contradict Himmler.

Q. Witness, you frequently had occasion to talk with Himmler. This morning you stated that you wanted to take it upon yourself to do away with Himmler, and consequently I must assume that you were perfectly clear as to Himmler's personality. Now in my opinion it is material for this trial, at least to the extent that Himmler was directly connected with the experiments, to know something about Himmler's personality. Therefore, as my last question, I ask you to present to the Tribunal a picture of Himmler's personality, in particular his wishes with respect to medical and human experiments?

A. Pictures of Himmler have already been presented here. If I am to answer your question, I cannot do so in just a few words. I should have to ask for a certain length of time to do so because this appears necessary to me in order to contradict the picture that must have arisen from the presentation of Rudolf Brandt.

DR. VOMERK: Mr. President. Mr. President I consider this witness both as regards his personality and as regards the opportunity he had to come in contact with Himmler, as I say I hold this witness perfectly competent to present a character sketch of Himmler which is of importance in this proceeding, particularly since Himmler, as for instance we have seen from his correspondence with Rascher, was not only interested in carrying out these experiments but took an active part in them. I, therefore, ask permission, that the witness be given permission to make these statements.

(Mr. Hardy rises to make objection)

THE PRESIDENT: The Tribunal is of the opinion that the character of Himmler has already been sufficiently described to the Tribunal and the objection will be sustained.

DR. VOMERK: In that case I have no further questions.

BY DR. FLEMMING (For Dr. Kaufmann who is Rudolf Brandt's counsel.)

Q. Witness in the course of your activities in the Ahnenerbe; did you know Rudolf Brandt?

A. As I have already said, I have known Rudolf Brandt since 1935.

Q. Did you notice a difference in Rudolf Brandt's attitude and the attitude on the part of other men in Himmler's immediate vicinity?

A. Yes, because during the years I was in a position to observe not only Rudolf Brandt, but also the other men in Himmler's immediate neighbourhood. Most of them were very careful to extract for themselves every possible advantage from their position and to lead a more or less depraved life. I must say, in order to be true, that Rudolf Brandt on the other hand only was devoted to his work and lived only for his work. In this respect he differed most considerably from his colleagues in Himmler's staff, particularly in that one could rely on his word and one knew that he would not, like some of the others, stab you in the back.

Q. What did you know about the amount of work he had to do?

A. The amount of work that he had to do increased from year to year to such an extent that he was not able to get through all his work toward the end. During the last years there was no point in telephoning to Rudolf Brandt to have him try to settle something, because the stereotyped answer was: "I shall have to look the matter up, please call up later." Therefore, as I said yesterday, I always went to him with my concerns when a decision on the part of Himmler was necessary. He was most reliable and those cases to be sure were purely mechanical. I saw Rudolf Brandt around 1940, when he was very over worked and physically weak; consequently I did not go into the official matters very deeply, particularly because I know his cultural and other limitations. I had the impression that his asceticism in his work had more or less addled his brain, so to speak.

Q. No further questions.

BY DR. HENK (Counsel for Becker-Freysung.)

Q. How long were you in your office in Berlin; from when until when?

A. From 1935 to 1943.

Q. 1943?

A. Yes.

Q. How about the month?

A. My office, the Reichs Business Office and from there I was transferred in the month of August to Weissenfels.

Q. When was the first time that you saw or spoke to the defendant Dr. Becker-Freysung or even heard of him?

A. Here in this trial.

Q. Did you or one of your subordinates have any negotiations with any of the representatives of the Medical Inspectorate of the Luftwaffe and with whom? Please disregard the discussion with Professor Beiglboeck back in 1944 as that has already been reported. Now the question; did you or one of your subordinates have any negotiations with any representative of the Medical Inspectorate of the Luftwaffe and if so with whom?

A. No negotiations were carried on.

Q. Then a further question. In the session of 18 December of this trial, the witness Hoff testified that reports on Rascher's experiments were sent to the Reichsfuehrer SS, to you and to the Luftwaffe Medical Office 7; now I ask you do you know to what office in the Luftwaffe Medical Office 7 that Rascher sent such reports; do you know anything about that at all?

A. I know nothing about Rascher sending any reports to anyone other than Himmler.

Q. Then I may assume that you do not consider Hoff's testimony correct; in other words you want to say that those reports of Rascher were sent only to the Reichsfuehrer SS, namely Himmler?

A. On the basis of my own knowledge, I must regard Hoff's

testimony in this point as incorrect.

Q. Did you ever see the Medical Inspectorate of the Luftgar listed among the persons to whom Rascher's reports were distributed; that is to say the entire list of people to whom reports were sent?

A. No, I never saw any such thing.

Q. In other words, your answer to the previous question already answers this one; in other words you think Rascher never sent any reports to the Medical Inspectorate?

A. Yes, Rascher sent his reports to Himmler and I never saw a distribution.

Q. Did you ever find out that these reports were sent to other officers or were they kept secret perhaps?

A. Rascher was such a monument for secrecy in these matters that the negotiations took place only between him and Himmler.

Q. No further questions.

BY DR. DOERR (Counsel for the defendant Poppendick):

Q. Witness, I should like to refer to a discussion between Rascher and Grawitz, which took place in January 1943. This is set down in minutes by Dr. Rascher. These minutes are part of Document NO 320, Prosecution Exhibit 103, on page 115 of the English Document Book 3. According to this alleged set of minutes, the following remark is said to have been made: "Yes, I asked Sievers to come to me several times to give me information;" what do you have to say about that?

A. I must say that Poppendick never asked me to come and see him; I made his acquaintance only in 1944.

Q. In other words, you never consulted Poppendick about this matter nor did he ever call on you?

A. No.

Q. No further questions.

BY DR. STEINBAUER (Counsel for the defendant Dr. Heiglboeck):

Q. Mr. Sievers, do you recall that you are accused in the

indictment with conspiracy?

A. Yes.

Q. Did you have a conspiracy with Beiglboeck.

A. No, as I said yesterday, I only had a total of twenty minutes talk with him.

Q. Exactly, that is just what I wanted to hear. Now on page 200 of your diary of 20th of July, there is something that I would like to draw your attention: "1:15 P.M. Arrived in Dachau". "10:30-12:05 Conference with various persons, which was interrupted by an air attack." Now comes the main point: "1315-1400 Hours: Dr. Beiglboeck discussion of carrying out the sea-water experiments in the entomological institute, which meant Glickner." Let us take a look at the amount of time involved; here you put it down as 45 minutes, but I remember that yesterday you said 20 minutes; now which one is right?

A. That is right; to go from the entomological institute to Floetner's department you needed a good 20 minutes.

Q. Splendid, now is it further true that during these 20 minutes, in view of the air attack that had just taken place, you had a couple of telephone conversations?

A. That also is true.

Q. So that your talk with Beiglboeck was considerably less than 20 minutes?

A. Yes, that is so, of course I was interrupted.

Q You were a member of the Reich Research Council or at any rate had something to do with it, but do you know anything about sea water?

A I know that you can swim in it.

Q Don't you believe that your entry in the diary, discussion of carrying out sea water experiments, carrying out seems a bit far, is somewhat of an overstatement; you said yesterday that your entries in the diary were often made days after the actual events and I am asking you now, isn't it possible that you were exaggerating a bit when you made this entry in a discussion of carrying out sea water experiments? This, let me tell you, is very important. We have to go into this very deeply. Please don't feel any hesitation in giving me a straight out answer. Was that carrying out of experiments discussed? Yes or no.

A No, nothing.

Q That is sufficient for me. Then I can sum up your thought in this matter by saying that you, so to speak, were officer on guard?

A As to what was going to be done here, all I can say here is that I heard something was going to be done with sea water and I put that down in my diary.

Q In other words, your entry in the diary does not correspond to facts?

A That is quite so, and as I said yesterday in my direct examination.

Q Thank you. We have in the trial Exhibit No. 92, that is a letter from Himmler to Rascher, Exhibit 238, the testimony on the part of Blome. I could also quote you Mr. Fohl, but I don't like the guy, so I won't. Now, in these two documents it is said that Himmler regarded everyone as a traitor who didn't consent to carrying out human being experiments? Do you remember that?

A Yes, we were talking about that before.

Q Now, in your direct examination you twice said that Dr. Fleetnor was against sea water experiments, and nevertheless they had Himmler's approval. Mr. Hardy could mean that my client is in the same situation.

Now, I would like you to say that Floetner was an exception?

A The whole situation here played an essential part in this. You must bear in mind that Rascher was imprisoned and that therefore all the files which were taken to Himmler in general now became very clear, frighteningly clear, that by exploiting this impression Himmler told Floetner that he did not have to carry out any experiments. He thought he could do it himself.

Q Well, now Floetner was otherwise described by others as a decent sort of fellow. Now, would you not also corroborate the fact that this is purely theoretical? Remember the Polish clergyman who testified here, and who had seen Floetner with Schilling?

A Floetner came in a very tragic manner to Schilling as I mentioned yesterday.

Q Never mind. We don't want to bother the Tribunal with this. We simply want to say Floetner, despite his disapproval of human being experiments, took part in them?

A Yes, that is so, he was with Schilling.

Q Now, I have a question for Defendant Schaeffer; in your diary a certain Dr. Schaeffer is mentioned. I should like to ask you whether the defendant Schaeffer is the same as the Schaeffer mentioned in your diary?

A This Dr. Schaeffer in the diary was an entomologist who worked a short time in the Entomological Institute, and was not identical with the defendant.

THE PRESIDENT: Are there any further questions of this witness on the part of defense counsel? If not, the prosecution may cross-examine.

Just a moment, counsel, the Tribunal has some questions.

BY JUDGE SEBRING:

Q Do you remember the names of the two experimental human subjects whom you saw at Dachau?

A No, I cannot tell you the names.

Q How did you happen to ask these two experimental subjects

whether or not they had volunteered for the experiments?

A I said that both from Himmler and from Rascher I had been told that these were volunteers. I wanted to make sure of this for myself, first of all because I personally because of my general attitude did not believe that these men were really volunteers, and it seemed rather curious to me that in those cases and also later in Natzweiler when I asked people on this question I was assured that they had volunteered. This statement on their part precluded my investigating the matter any further.

Q Well, now what difference would it have made whether they were or were not volunteers, if as you say the experiments were practically harmless and were being carried out in accordance with sound medical methods?

A I can only testify to this on the basis of my own knowledge with regard to the high altitude experiment that I saw, and the ten or so experimental persons of Natzweiler who were treated with Iost. The treating experiments were by no means so harmless. I also said that the man who was brought for the experimentation was a criminal condemned to death, and this experiment also had fatal consequences. But I did not take part in either experiment, and consequently can say nothing further about the nature of the experiments.

Q But you did see the high altitude experiment conducted at Dachau on two experimental subjects, and the experiment was as you saw entirely harmless, and was being carried out in accordance with sound medical methods on men whom you had ascertained by direct conversation were volunteers, is that correct?

A That is true, absolutely true with regard to the experiments that I myself saw.

Q Then why was it that when you returned to Berlin you complained to Himmler about these experiments?

A No matter how actually necessary these experiments might be nevertheless, because of the emphasis that they received in the SS I re-

radiated them, because from many of my friends there existed the assurance and conviction that the laws of humanity were being trampled under foot here and that no prisoner, no volunteer, because he had no free will, and that there was nothing more abominable, in our opinion, than to make such use of human beings in this fashion, whether or not the use was dangerous or harmless, and the entire manner and scope of these things appeared to us as an expression not of someone's personal decision, but of what one might call a bureaucratized infamy, and I had the feeling precisely because I knew the difference in the case of these high altitude experiments, since I knew Remberg was a very circumspect and punctilious person, and on the other hand I heard Rascher express himself brutally, saying the persons in question were completely unimportant, and it was for this reason I said to myself there could be consequences after such things got under way that could not be foreseen, and as a matter of fact under Herr Rascher these consequences really did occur.

Q Was that the reason when you returned to Berlin you sought to prevent the return of the low pressure Chamber to Dachau for the second time for additional experiments?

A My objection to Himmler was a general objection against human being experiments, and his connecting him with the Ahnenerbe. This was in the Easter of 1942. The low pressure chamber disappeared as I recall, in May from Dachau and only in the autumn when Himmler respectively and Rascher wished to continue the low pressure experiments solely through Rascher, and I was ordered to provide a low pressure chamber, only then did I try to prevent this precisely because from the statements and remarks it could be seen that both the Luftwaffe and the DVL disapproved of Rascher's further work in this field, but there is a lapse of six months between these two.

Q You were able, however, to prevent another low pressure chamber being sent to Dachau for additional experiments, is that true?

A That was possible in the Autumn through the various circumstances that I have here tried to describe so that after the low pressure chamber in May of 1942 was taken away from Dachau there never again appeared another low pressure chamber at Dachau.

Q Now, getting back to this question of the volunteer subjects who participated in the low pressure experiments that you witnessed at Dachau, what nationality were those experimental subjects?

A One man - and I know this from his dialect - was an Austrian. The other man was a German.

Q How do you know this fact?

A I know it only from my talk with him. One of them told me that he came from Vienna, I believe, and I asked the other where his home was and I believe that he said a locality in the Rhineland although I don't remember the precise town.

Q Now, had your assassination plans to exterminate Himmler been successful, what plans did your resistance movement party have to take over the government?

A The taking over of the government was planned by the leaders of the individual groups. Precise information on this will be most assuredly provided to you by Dr. Hielscher when he testifies as a witness here. The entire structure and plan of the individual groups was aimed at a federated union of the various German provinces, the creation of a free German government which would rest on a basis that would permit an understanding to be reached with the Allies.

Q Do you know of any occasion when non-German nationals were used as experimental subjects, either with or without their consent?

A No, I know no such case because the people whom I myself saw in Netzeiller in the case of the Lost experiments were all Germans

so far as I got the impression. In my talks with these people I could ascertain nothing to the contrary, and in the freezing experiments the experimental subjects were born in Berlin as could be seen from the verdict which I myself saw. I saw no other experiments. Consequently, I did not speak with the experimental subjects.

Q Then, as I understand the situation, based upon your knowledge, all of these experiments, as least so far as you witnessed them or knew anything about them, were conducted upon German nationals who had volunteered for the experiments with promises of leniency, and you objected to these experiments solely because of the fact that you were of the ethical view that a man who was a prisoner could not freely volunteer for such experimentation. Is that correct?

A Yes, I repudiated any manner of such experimentation on human beings.

THE PRESIDENT: The Tribunal will now be in recess until 9:30 Monday morning.

(A RECESS WAS TAKEN UNTIL 0930 HOURS, 14 April 1947)

Court No. 1
14 Apr 47-M-1-1-LHM-Foster (Int. Brown)

Official Transcript of the American Military
Tribunal I in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nuernberg, Germany, on
14 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal I. Military Tribunal I
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are
all present in court.

THE MARSHAL: May it please your Honor, all defendants are present
in the court.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in court.

Any further examination of the witness on the part of any defense
counsel?

WOLFRAM SIEVERS - Resumed

BY DR. SAUTER (Counsel for the defendant Blome):

Q. Witness, I should like to question you on two points; one of them
concerns your diary entry of 18 August 1944. In your diary there is a
note reading "Professor Blome asks a date from the Reichsfuehrer-SS in
order to report to him after 28 August." Points under discussion refer
to: "1. Insects" - doesn't interest us; "2. Potato beetles" - doesn't
interest us either; "3. Poison experiments in connection with Reichs-
fuehrer SS". Number 7 reads: "Professor Blome is being pressed anew to
test the poison now." You were already asked about this entry during
direct examination, Dr. Sievers, and if I understood you correctly
you testified that this entry referring to poison has some connection
or other, or could have some connection, with the attempt on Hitler's
life on July 20, 1944. But I am not quite sure that I understood you
correctly. Therefore, I should like you to state again briefly just
the significance of this entry is so far as Dr. Blome is concerned - this
entry concerning poison.

A. You are asking me to call on my recollection to an extent that far surpasses human nature. Just let me check on this once more. I said in my direct examination that I wrote into the diary what Dr. Blome told me. It reads, "Poison experiments in connection with Reichsfuehrer-SS with requests for report on 21 July." That is to say, Blome said to me that Himmler had said something to him on the 21st of July about this matter. That does not mean that Dr. Blome, so far as I recall, said anything to the effect that this poison was connected with the attempt on Hitler, but what Dr. Blome said to Himmler on 21 July, in other words, one day after the attempt. That, of course, he didn't tell me.

Q. I am asking you this, Dr. Sievers, only because you in your direct examination seemed to connect this entry strangely with the events of the 20th of July, and I am not sure whether you expressed yourself correctly or whether we understood you correctly. Perhaps you remember that Dr. Blome, when he was interrogated on the stand, said that this referred to Doryl, that is to say, to that other poison which was found during partisan fighting in the East and which was almost unknown in Germany. Therefore, witness, I should ask you please to exert your memory a bit and say whether or not it is possible, as far as you recall, that this talk in connection with that teletype message, which I think was also the 21st of July, referred to Doryl.

A. Yes, that I remember. Dr. Blome did mention Doryl, but then in my direct examination I didn't express myself clearly for I meant that Dr. Blome had already talked about this with Himmler on the 21st of July. But Dr. Blome said nothing about a connection with the events of 20 July.

Q. Then I have another question, witness. You recall that when Dr. Blome was interrogated on the stand we discussed at some length the card index file which was kept at the Reich Research Council for Dr. Blome and Sauerbruch. You were present at this discussion. This concerns two documents, one is Document 690 concerning Blome and the other is 691, Sauerbruch's card index file. These documents, and a few others that

are connected with this matter, are in a supplementary volume. They have been turned in for Blome document book to be translated and will subsequently be submitted to the Tribunal. Now, you remember that in this card index file for Dr. Blome there are two assignments mentioned of which Dr. Blome asserts that they have nothing to do with him, that through an oversight on the part of the personnel staff they were entered on his card index file, but really should have been put on Dr. Sauerbruch's file card. That is the assignment 0328 of Rascher, "Re-warming after cooling of entire human body; healing, with cases of partial freezing, and adjustment of the human body to cold". And then the next assignment is 0329, Hirsch-Strassbourg, which reads, "Alteration in the living organism after use of chemical warfare agents". You remember these documents?

A. Yes.

Q. Now it would interest me to know - now I should like to hear from you something on this subject since you are well informed about the Reich Research Council. Do you know who gave this assignment Rascher, 0328, "Rewarming after general cooling"? Who gave that assignment? Do you know anything about that assignment at all and, if so, just what do you know?

A. The Rascher assignment is, so far as the contents are concerned, the same as the assignment that Himmler formulated and which was submitted here as a document. When on my initiative these assignments were joined with the Reich Research Council, the rules of the Reich Research Council demanded that the researcher himself, that is to say, both Rascher and Hirt, had to make their application to the Reich Research Council. Thus it is altogether possible that this is a false entry because it is true that at the time the organization of the Reich Research Council was suffering from lack of personnel, but on the other hand I consider it quite possible that, for example, Rascher, when he turned in his application for research work, referred to the fact that he had connections with Dr. Blome, which as you know is true in connection with cancer research and

with Polygal, and that thereupon the entry was made on both card index files in order to inform both Dr. Sauerbruch and Dr. Blome of the matter. But both assignments were assigned through Dr. Sauerbruch who alone was competent for that. But with regard to the Hirt assignment I can tell you something of material importance. In addition to this card index there are copies of the original research assignments; in the card index cards, for reasons of space, there is only a very brief notation of the title of the research assignment. Both the card index and the copies of the originals were in the camp at Kranzberg, the interrogation camp where I myself saw them in 1945. The Hirt assignment reads: "Flourescent microscopic examinations on the behavior of Lost gas in living organisms." If this complete formulation were present here, then this matter would not need be discussed before this Tribunal because this research in living organisms in liver, pancreas and so on, then, as the expert for the prosecution, namely, Dr. Alexander, said, these experiments could only be carried out on animals. Therefore, in these Hirt experiments they could only have been animal experiments.

Q Could you please reiterate the precise title of that research assignment, such as you saw it in the Camp Kranzberg?

A "Fluorescent microscopical examination of the reaction of Lost gas in living organisms."

Q Mr. Sievers, because of your activities in the Reich Research Council do you know what order number Sauerbruch's department had and what number Dr. Blome had?

A Every one of the 30 plenipotentiaries and department leaders had an order number but I cannot say, from memory, just which number each one had.

Q To refresh your memory, I put two documents to you that I have received from the Prosecution. These are photo copies, document No. 700 and document No. 699. When I examined Dr. Blome I already stated that I was going to include these 2 documents in a subsequent volume and submit them later to the Tribunal. I have received these photo copies from the Prosecution.....

MR. HARDY: Your Honor, it is my understanding that Dr. Sauter wishes to establish the file number of one Dr. Sauerbruch and of Dr. Blome. The prosecution will stipulate that Sauerbruch's number was No. 10 and Blome's was No. 15, and these questions will not be necessary.
BY DR. SAUTER:

Q You are getting now the list of order numbers and also the list of the various departments. These are Prosecution documents and not defense documents.

A Yes, I know this list and it is correct.

Q And you see from the list that Professor Blome had order number 15?

A That is right.

THE PRESIDENT: Counsel, the Prosecution has stipulated that Dr. Blome's number was 15 and Dr. Sauerbruch's was 10.

DR. SAUTER: In that case I need not ascertain it again.

Q Then I have one more question. Even if you are a layman, can you, because of your activities in the Reich Research Council, confirm that an assignment, such as for example, rewarming human beings, or effecting changes in the human organism, does not belong to Department 15 but to Department 10, which is General and Classical Medicine? You have already said this more or less indirectly, but I would like you to say it specifically now.

A I can tell you that Dr. Breuer, who was Dr. Sauerbruch's expert in the Reich Research Council, told me at that time that Dr. Sauerbruch gave these assignments.

Q Now one last short question. In your direct examination you stated that you yourself were in principle opposed to all human being experiments, and expressed yourself to this effect to Himmler. Now, then, did it happen that you were so opposed to human being experiments? Can you explain that more precisely?

A The reasons were the following: When, on Easter of 1942, I spoke with Himmler about this, I was under the recent impression of my first visit to a concentration camp. Before that I had had nothing to do with concentration camps and this visit moved me greatly. Moreover, I had Hirt's report on the Jewish bolshevist collection of skulls; and at the end of March Himmler ordered that Hirt should, in connection with the Lost experiments, be more closely affiliated to the Ahnenerbe. I also knew Rascher, although only slightly, and had an unpleasant impression of him; and I knew that Himmler had acted as protector of this research, and that it could not be seen, in view of Himmler's personality, just where this activity would stop. All of these factors played a role in inducing me to make the effort to persuade Himmler to disassociate this activity from the Ahnenerbe. That was the primary reason I had for expressing myself as I did to Himmler. Over and beyond that I wanted to attempt to interrupt all this research activity if I possibly could, because I, personally, and let me emphasize that this is a purely emotional matter, repudiated human

being experiments, no matter under what conditions they took place, and held them to be ethically intolerable. I saw this as my humane duty at that time. However, I emphasize that I am not a doctor of medicine, nor am I a physician; I did not have any academic degrees since I never graduated from a university. Until this Easter conversation with Himmler in 1942, I had never spoken either with a doctor or a lawyer on the question of the admissibility of human being experiments, so that my point of view was an entirely personal one. Only during the course of this trial, and in view of the material here submitted about human experiments in all countries and during all periods of time, have I realized that this is a series of most difficult problems, which has persuaded me that my attitude heretofore has been onesided. Even though after the Easter conversation in 1942 the effort was made by various physicians to make it clear to me that in the interests of medical progress, and for the good of humanity, many problems could not be treated through animal experiments but only could be clarified through human being experiments; the great scientific importance of the high altitude experiments as a pre-requisite for flight at high altitudes and that conditions cannot be ascertained unless through human experiments.

Court I

was brought home to me through instructive questioning by a high ranking American Medical Officer in 1945 in England, where I had been specially brought to give information about this. I could, however, not answer the many questions he put to me, because I am not a scientist, for which he erroneously held me.

DR. SAUTER: Mr. President, I have no further questions. Thank you.

THE PRESIDENT: Are there any further questions to this witness on the part of any defense counsel? There being none the Prosecution may cross examine.

MR. HARDY: Before we proceed to the cross-examination of Mr. Sievers, I would like to clarify for the record your last statement, you were in England; and it came over in the translation it was in 1944, is that correct?

THE WITNESS: 1945.

CROSS EXAMINATION

BY MR. HARDY:

Q. Mr. Sievers, you were a member of the Secret Resistance Movement, whose purpose was to overthrow the Hitler regime, is that correct?

A. Yes.

Q. Now, you were willing to risk your life by working with the inner circle pretending to be an ardent NSDAP member so that you could gain information to transmit to the leaders of the Resistance Movement, is that right?

A. I was prepared to sacrifice my life for this if necessary.

Q. And your purpose was to gain information to transmit to the leaders of the Resistance Movement?

A. Yes.

Q. Now, why was the Resistance Movement so intent upon overthrowing the Nazi Regime?

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A. I don't understand the question. Since one of the main reproaches on the part of the Allies against the Germans is that there was no German Resistance Movement; and since we did carry on this resistance I cannot understand the point of your question.

Q. Now, your purpose was to overthrow the Hitler Regime and in carrying out that purpose you were willing to risk your life in your capacity in the Ahnenerbe, wherein you were in the position to gain valuable information which could be transmitted to the leaders of this Resistance Movement; now, inasmuch as you were a member of this Resistance Movement and apparently a strong member, what was the reason for the Resistance Movement being so intent in overthrowing the Nazi Regime; what did they have against the Nazi Regime? Do you understand the question?

A. We rejected the centralized form of Government of the Nazi Government. We regarded the party as a whole as consisting of riff-ruff. We recognized their Socialism as a swindle, because in reality agrarian feudalism and Big Industry were furthered.

Q. Are there any further reasons, Mr. Sievers?

A. These main reasons I have just mentioned can, of course, be supplemented by any number of details.

Q. And then you also yourself, that is personally, subscribed to these views of the resistance movement, didn't you?

A. Of course.

Q. And now, I assume that at the present time you would be violently opposed to the rise of such a type of rule in Germany in the future, and that you would be willing to do whatever you could to prevent it, is that a correct assumption on my part?

A. Our basic orientation was not based on experience that we had after 1933, but we saw this era drawing near before, and, of course, as it was then it is now our wish not to see a totalitarian Regime arise again.

Q. Let me be a little more specific; would you be in favor

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now of having Hitler rise to power once again here in Germany?

A. After what I have just said at great length about those matters I simply cannot answer that question. It does not make sense.

Q. You would do all within your power, if you were in a position to do so, to avoid any rise of such an organization of the Nazis to the realm or the helm here in Germany, wouldn't you?

A. Of course.

Q. Then I assume therefore that you would be willing to tell us, that is the Tribunal and the German people, all you know about the activities of the Nazi Regime, to the end that the German people will be fully informed of such activities and best be in a position to guard themselves against the rise of such a Government in the future?

A. I have always declared myself to do so, but unfortunately it was only under the protection of this High Tribunal that I had a chance to speak of our activities at any great length. From the very beginning, at the very first day of my interrogation in 1945 I pointed this out, but the result simply was that I was treated worse. Consequently, I had no reason to press myself forward. Then in December 1945 I made a written statement on this subject. In the interrogation before the Commission I was, because of an objection on the part of the Prosecution, not allowed to talk about these matters. In the IMT also I was very limited, and when I made a written statement on this subject in August of 1946, I did not hear anything further. In other words, it is not my fault that many of these matters have not come to light, which it would perhaps have been very expedient to have come to light; and during my direct examination on Friday, you yourself raised an objection about my speaking on these matters.

Q. Now, Mr. Sievers, inasmuch as you are willing to tell us what you know about the activities of the Nazi Regime, I wish you would enlighten this Tribunal further on these experiments that are the subject of this indictment. These are activities which took

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place under the Nazi regime with typical Nazi actions, and you are in position to know just what each and every one of these defendants did to further such experimentation on human beings; are you now fully able and willing to tell us how each one of these defendants participated in these experiments so we can get a good clear picture and the Tribunal can render a decision which will be a complete story; will you do that for us now?

A. I am of course prepared to answer your question, but as examination and interrogation has already proved, I know very few of my co-defendants. The persons who participated in the experiments that I know of, namely Hirt and Rascher, are not here in the dock; and regarding the other experiments that took place outside my sphere, I am unfortunately not so informed as to be able to give you detailed information, which otherwise I should naturally be ready to do.

Q. Now, Mr. Sievers, were any of the defendants members of the Ahnenerbe Society? - Did you hear my question?

A. Yes, I understood you. We must discriminate as is evident from the statutes, between the three groups of members of the Ahnenerbe. Every German could become a member of the Ahnenerbe. These were the so-called participating members. The scientific collaborators could only, by a special act on the part of the Society become active members; and then there were the so-called corresponding members. Of the co-defendants only Rudolf Brandt was a ordinary member of the Society, and as far as I know no one else.

Q. Now, did any of the other members, such as Brandt or Handloser or any of the defendants, did any of these defendants have subordinates who were members of the Ahnenerbe Society?

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A. The number of ordinary members ran into one or two thousand; now whether or not there were subordinates among them, I don't know and I don't know them by name or personally. Concerning the active members I don't know this. Rascher was a member of the Luftwaffe and a University Professor, therefore, I cannot say just what the subordinating relationship would be there.

Q. Who were the more important members of the Ahnenerbe society?

A. I have already said that they comprised roughly sixty-one persons; namely the various department chiefs and those who had important research assignments.

Q. That is as outlined in your Document Book No. 1; the chart you submitted to the Tribunal?

A. Yes.

Q. Now, Mr. Sievers, of course you know it is of considerable interest to everyone as to how the fantastic program of experimentation was conceived; now in your position as a deputy in the Reichs Research Council and as the Reichs Business Manager of the Ahnenerbe Society, were you able to ascertain who conceived the idea of medical experiments on human beings in the concentration camps? Now I know the element of experiments on human beings is an age old idea, but I mean here in Germany, who conceived the idea to experiment on concentration camp inmates?

A. So far as documentary material makes it clear to me, Rascher played a decisive role in this, and Rascher had close connections with Himmler. Himmler, who always exaggerated things and over-did them, had these experiments on inmates in concentration camps carried out and also pointed out the possibility of such experiments. In other words I can only deduct from the way the high altitude experiments came about, of which Rascher was evidently the inaugurator. Then, as also is shown by the documents, it was Wilch who, in his turn went to Himmler to have the freezing experiments carried out, and then later there were

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added the sea-water experiments.

Q. Well, then, here you have heard all the evidence in this Tribunal and from your own personal knowledge of the sea-water experiments, the freezing experiments and high altitude experiments; do you think that Himmler, exclusively, without any suggestions from other people, conceived this idea of this sphere of experimentation in the concentration camps?

A. It is my opinion, as I have already said, that the basic cause for all this was the connection between Rascher and Himmler, but then when it was seen what possibilities there were other persons went to Himmler in order to extend such work, for the idea of the freezing experiments was certainly not Himmler's own idea.

Q. Now, in addition to that, Mr. Sievers, Himmler like yourself and myself was a lay-man, he had no knowledge of medical research, would he be approached by Rascher in the instance of high altitude experiments, by Milch for freezing experiments, perhaps by Hirt for lost experiments, or by various other individuals to secure human beings or to have made available inmates of the concentration camps for the purpose of conducting the experiments, now would Himmler, or you, or I, have been able to determine whether these experiments were justified without first consulting a specialist in the medical research field?

A. No, and that was my reason for wanting to break away from experiments of this sort in the Ahnenerbe, because there was no specialist there who could supervise such things as a specialist. Himmler arrogated these things to himself, he interfered personally in the experiments, which can be seen not only from the documents themselves, but also in that letter from Wolf to Milch where it is even explicitly stated to what extent Himmler personally took part in this research and interfered in it; but I consider Himmler anything but a specialist or an authority. No, however, as I said, arrogated that to himself and Herr Gebhardt described Himmler very well in this respect.

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Q. Well, now, you recall that the date 1943, in the fall of 1943, from that point on all matters of research had to go through Gebhardt and Grawitz before Himmler would act on it; now do you know of any other advisors Himmler had so that he could justify sanction these experiments?

A. No, I remember no others, and that can be seen from the order of 15 May 1944 where he includes specially Grawitz and Gebhardt in these matters.

Q. Well, now, from your knowledge of these various activities, what individuals within the frame-work of the German Government, that is the entire German Government taken into consideration, what individuals had knowledge of these experiments?

A. It is hard to say who these persons were by name, but it was Himmler's custom about matters in which, in his opinion, he could especially show off, to talk about them in conversations. I once was a witness at a luncheon for two submarine captains, who had come to headquarters to receive decorations, and very proudly he told these submarine captains the results of his freezing experiments. That is what I can say of my own knowledge because I happened to have been there. Whether he also spoke about this elsewhere, and to whom, that I do not know. On the other hand, he forbade reports being given to people on the outside, so that with the exception of Milch and Goering no non-doctor was to be informed of these matters.

Q. Well, now Mr. Sievers, you were in the position in the Reichsforschungsrat where you were able to observe a great deal; you fully realize, of course, that the SS had experimental research problems, that the Wehrmacht had experimental research problems, the civilian sector had experimental research problems; and due to the chaotic conditions in Germany from 1941 to 1945 when all were engaged in all-out warfare; it must have been necessary to coordinate these activities, so that you could utilize the supplies and activities to the best ad-

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vantage. Now in the Reichsforschungsrat, or in what organization in the Wehrmacht and SS, who was the coordinator of these activities; who was the person or group of persons that studied these various activities so that they would not have a duplication of effort, in other words so that they would not have high altitude experiments going on in each concentration camp, and therefore it would be understood that if of the research task dealing, with high altitude experiment were necessary, who was the individual or group of individuals, who engaged in this coordination of this research, that we see here in this case?

A. Many experiments had been made in this direction, first of all it was the competent expert departmental leaders. For example for medicine, Prof. Dr. Sauerbruch. Then, when the conditions arose which as you have just described, the growing chaotic conditions, required a closer coordination, and the Military Research Association (Wehrforschungsgemeinschaft) was called into being, and Professor Osenberg was to coordinate. However, Professor Osenberg was a machine engineer and he had many arguments with Professor Sauerbruch. For that reason, in 1945 it was decided that Professor Brandt was to be in charge of all medical matters, however, this coordination in the hands of Dr. Brandt coincided with the military collapse, so it never became effective.

Q. Now, when you speak of Sauerbruch and Osenberg; that is within the Reichs Research Council?

A. Yes.

Q. Was it theoretically the idea that the Reichs Research Council was to be the coordinating agent in this field of medical research?

A. That was not the idea, because medicine was only one department among thirty in the Reichs Research Council. Only in 1944, when matters were concentrated and coordinated several departments were united and given preference, and the number of researches conducted by the others were limited. Medicine was one of the research assignments

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given preference, and since Osenberg could not carry out this coordination, Dr. Brandt was assigned to it.

Q. Well now, one last question along these lines of coordination and these experimental ideas, which were conceived; suppose you and I together had gone to Himmler with an idea, say to experiment with Lost, whom would Himmler have called into his office to advise him about the feasibility of Sievers and Hardy's research problem?

A. Since we are two lay-men, Himmler in this case would have called

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Grawitz, but if you or I brought him a proposal made by a professor, then that authority would have sufficed for him and he himself would have decided the matter.

Q Do you recall the affidavit of Oswald Pohl where he had a paragraph pertaining to your name, where Oswald Pohl stated, in the introductory paragraph, I don't have the document here now, it is Document No-065, where in it states that he thought Himmler had men like Brandt, Conti, Grawitz, etc., advising him in these matters, now do you think that Oswald Pohl was correct in his assumption, Do you recall that particular section?

A Yes, I remember that paragraph, but I don't believe - at least from my own experience - that I can confirm this. The close connection between Himmler and Grawitz was known to me, Himmler never thought very much of Conti, and the relations between Himmler and Brandt were not known to me at all. Himmler never spoke of Brandt; but of course I do not know to what extent Himmler had conversations with these these men as, I was never present.

Q Now, Mr. Sievers, during the course of your direct examination you referred many times to the horrible conditions in concentration camps which you observed when you visited them; will you please describe in detail to the Tribunal just what you saw when you went into these concentration camps?

A The total impression was what really shook me. I could not visit or inspect the whole concentration camp, because when I arrived there I was taken right to the department I was visiting. I had to cross the large roll court, in one corner of which was Rascher's department, and there I saw how the prisoners had to line up who were to go to work. It was this that gave me the picture of which I spoke here, namely, that the men, like myself, with all sorts of signs, red and green, had to live here together with prisoners of all types, in one single community.

Q Now did you get the impression when you visited the camp

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you spoke of horrible conditions in the camps, did you get the impression as stated here and as stated many times before these Tribunals, that the concentration camps, were like boy-scouts recreational centers?

A I don't think you could say so, no. The set-up was such for instance the sick-bay was equipped with good medical equipment and clean, but this question of cleanliness was easy to achieve as it has often been said that when the concentration camps was visited everything was scrubbed and cleaned, and thus the dwelling accommodations made an excellent impression; but it is not just a clean house alone, that makes life tolerable. As I said, what struck me was everyone thrown together here.

Q Did you see, any of the inmates drinking champagne?

A No, I did not see that.

Q Well now, we have been told that all the inmates were very happy in these camps, they ran about gleefully, played harmonicas, etc.; did it impress you that way, Mr. Sievers?

A No, I did not have that impression.

Q Now, what I am getting at, Mr. Sievers, is do you think that any official visitor would have seen the same things in these camps that you saw?

A That depends when he went there. In general the concentration camps were empty during the day, because the inmates were taken outside to work, and this was also the case in Dachau. Only twice when the people were going out to work did I have the total impression of all these thousands of inmates, who had to line up, a visitor, say between nine and eleven o'clock in the morning, saw very few people, mostly they were orderlies and he saw empty barracks, so that the net impression was altogether askew. I held it to be not out of the question and in view of the whole system of propaganda, I believe it was certain that the visitors were taken to these camps purposely during those hours for that reason.

Q Now, how many times did you visit concentrations camps?

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A IN all the years, I was in Dachau eight times, but not always in the concentration camps, because the ettemological institute was outside of the concentration camps. It was only twice that I saw all the inmates and I gained the impression about which I spoke. All the other times the camp was just about empty during the day, then you would gain the impression that there was s. few people. For example, the people who could not work, because they were sick. they were walking around, and you would get the impression which really contradicted what it really was like.

Q Well now did you visit any other camps other than Dachau?

A I was twice in Natzweiler, which, however, was under construction. The buildings set up there were quite different from that at Dachau, and I did not see where the people worked. Working conditions in Natzweiler in the quarry were considered particularly terrible, but we were not allowed there. Then I once visited Oranienburg, but I did not get into the camp itself, only in the work shop, and other wise did not become acquainted with other concentration camps.

Q Well now in the course of all of your visits, how many of the visits that you had, are in the category of an official visit? For instance, you were with Himmler one time at Dachau. I assume that would have been an official visit. Now how were conditions that you saw?

A I was never in Dachau with Himmler.

Q Didn't you go with Himmler to Dachau in connection with the high altitude experiments?

A No, I wasn't present when Himmler took a look at those experiments.

Q Do you think conditions would have been different on an official visit than visits you made, or would your visit have been an official visit also?

A I never made an official visit to Dachau because I was always there for official conversations.

Q Well now did these conditions, the horrible conditions you have narrated here before this Tribunal, were they an open secret among the members of the medical service of the Wehrmacht?

A We were not allowed to talk about what we saw in concentration camps. That was explicitly set down in the paper that I had to sign. Moreover, I had no opportunity to talk with members of the medical inspectorate of the Wehrmacht because I did not know anybody in it.

Q Now, doctor, do you think you understand - I don't know whether the interpretation is difficult, but do you understand the expression, "open secret"? That is a familiar expression to you, isn't it?

A Yes, I know that expression.

Q Well then you don't think the conditions which you have narrated about the concentration camps would have been an open secret among the medical services of the SS, among the members of the medical service of the SS?

A That the conditions in the concentration camps were not ideal must in, my opinion, have been known within the SS, but the concepts of "ideal" and "sufficient" were not inform.

Q Well then you would think that a person with the rank of Obergruppenfuhrer would have no knowledge of the conditions in the concentration camps, that he just would not casually more or less hear about it from one of his friends or otherwise? Do you exclude the possibility that a man with the rank of Gruppenfuhrer or even a Standartenfuhrer would have no knowledge of the methods in which the concentration camps were being operated?

A For a certain category of these leaders that may be true, but I consider it out of the question that an Obergruppenfuhrer, in whose official sphere there was a concentration camp, did not know what went on inside it.

Q Now, doctor, did you ever make any attempt during the course of these years to save some of this incriminating material so that when the war ended or when the resistance movement had accomplished their objective, if you had had that good fortune, did you make attempts to save the files of these criminal experiments, or did you make any attempt to retain this information so that you could aid in bringing home to the German people just what the basic activities of these Nazis were?

A I kept my documents on this in the Reich Research Council, and these documents along with the other documents were taken to Roslar, as I was later told. All of the material of the information office of the Reich Research Council was there, and my documents were taken there also.

Q Then in document NO-088, it is most difficult for me to understand why you being a resistance worker would have written such a letter as appears in document Book 9, which is Prosecution Exhibit 182. I think you are familiar with the letter. It is a letter addressed to SS Standartenfuhrer Dr. Rudolf Brandt, wherein you are eliciting three proposals for the dissolution and destruction of the Jewish skeleton collection at Strassbourg. Now herein you state:

"The skeleton collection as such is not conspicuous. It could be declared as remnants of corpses, apparently left in the anatomical institute by the French, and ordered to be cremated. Decision on the following proposals is requested:

- 1) Collection can be preserved.
- 2) Collection is to be partly destroyed.
- 3) Entire collection is to be dissolved."

That is signed Sievers. Now here you haven't acted consistent with those beliefs that you had, and it would seem to me that you would want to save this material so that it could be received by the Allies, so that they would be fully aware of this horrible crime, killing these Jewish people to make a skeleton collection. Why did you act in this manner, doctor?

A In my direct examination I have already said that this proposal was not of my own. It was not simply the question of the skeleton collection alone, but of all measures, measures concerning Hirt's department as a whole in Strassbourg; and Hirt wrote to me, for this reason, and I telephoned to him, and he himself made this suggestion; which I, not knowing what the situation was at the University of

Strassbourg in the matter of anatomy, and I could not have known this, could not have made; and I, orientated myself according to what Hirt said, and passed on the teletype to Brandt; but after all what should I have done if Hirt asked me what was to be done, and what would have happened if I had said to Hirt: "Leave everything where it is, so that the Allies will find it"? I would have been shot the next day.

Q Well now you state here in the letter that you would leave remnants of these corpses around the Strassbourg laboratories which would indicate they were apparently left in the anatomical institute by the French, that is a fine how-do-you-do-, isn't it, trying to put this crime off on the French. Whose idea is that? It was Seiver's signature.

A I have already told you that this was not my idea but Hirt's, and I can only explain this as follows: When the University of Strassbourg was taken over there were in the anatomical department, of course, corpses. In other words, I simply transmitted what Hirt told me. That was not my suggestion.

Q Well now, did you ever express any satisfaction to the fact that all of this data had been destroyed or was that merely that you were transmitting an order for Hirt? Did you feel happy that this was destroyed or did you feel sad that it was destroyed, so that you could not bring it to the attention of the Allies or other members of the resistance movement when the inevitable end came. In other words, Dr. Seivers you were not pleased that this material had been destroyed, were you?

A I was not at all pleased about this because there were enough documents describing this whole matter available. Hirt's subsequent statement that the collection was destroyed was not true. I was not informed what went on here and the various questions that were asked of me I could not answer. I had to ask Hirt's advice.

Q Well now this teletype to Brandt was dated the 5th September 1944; and true, as you state, it was indicated they were not destroyed at that time, but were destroyed at a later time-around October, 1944, the skeleton collection was destroyed. Now, Mr. Solvers, you have been a little inconsistent. We have here a letter dated 20 January, 1945, which is document NO-975, which will be offered for identification as Prosecution Exhibit No. 479.-Do you have a copy?

A No, I don't.

3. Now, this letter is dated 20 January 1945. It is addressed to "Dear Comrade Hirt":

"Your letter of 4 January dealing with Tuebingen being declared as a hospital town has been forwarded to me from Weischenfeld to this place. I have interceded for this plan, but I have desisted for the time being from submitting it to the Reichsfuehrer-SS: first of all it will be necessary to come to an agreement with the Foreign Office and the Reich Ministry Speer.

"Your report on Strasbourg has duly come to hand. Many thanks for it. I shall be back in Weischenfeld at the end of the month, and if no further notice will have arrived there in the meantime, I shall see to it that all letters mailed to you recently shall be dispatched once again.

"Paris as well as London is taking quite active an interest in the Anatomie Institute of Strasbourg and regret that you have not been seized. In the meantime you will probably have received, or shall so in the very near future, an inquiry of the Foreign Office via the Ministry of Ecclesiastical Affairs and Education referring to this. We may be very glad that all data and papers on that work have been destroyed in time. The enemy could not offer any concrete statements so far. As I have already written to you, I should be very glad if you would make a short trip out of your way, to Weischenfeld, at the opportunity of one of your journeys to Wuerzburg.

"With best wishes and kind regards as usual.

Heil Hitler!

Yours (signed Sievers.)"

This signature is a stamp. This happens to be a file copy.

Well now, you have expressed, also here, have you not, that the data and papers at Strasbourg University have been destroyed?

A. Hirt told me this.

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MR. HENDY: This is a good breaking point, your Honor.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken)

THE MARSHAL: Persons in the Court room will please find their seats.

The Tribunal is again in session.

BY MR. H. BT:

1. Mr. Sievers, as I understand it from your direct examination, you were directly opposed to the establishment of an institute for military scientific research in the framework of the Ahnenerbe Society?

A. Yes. May I say something very briefly with regard to the document which was submitted to me before the recess? With great ease you will be able to find many similar letters. I already stated that there was a very close connection between Hirt and Rammier. This letter proves that I did not destroy my own files; otherwise you would not have been able to find that letter.

2. Now going into the other subject, doctor. You state that you were definitely opposed to the establishment of an institute for military scientific research within the framework of the Ahnenerbe Society. Well, now, as a matter of fact, you were quite active, openly active, in the formation, the preparation, and the foundation, of this institute for military scientific research, weren't you?

A I explained in detail what I tried to prevent when I had that conversation with Himmler at Easter 1942. The possibilities of objection on my part were extremely limited. As it can be seen from the Statute of the Society, I only had a right to interfere in matters concerning budgets, or other organization matters. In this manner I was already able to prevent two different things. In the year 1939 already Himmler wanted to create a Cancer Research Institute under the charge of Professor Holtz, and wanted to affiliate it to the Ahnenerbe. At that time Professor Holtz wanted a yearly budget of 900 thousand marks. By indicating this assignment as alien in its nature to our Society, and in view of the large budget required, I was able to prevent this affiliation. Professor Holtz was later supported by Professor Blome in this, and I saw him again in the year 1943. My right of objection was extremely limited when Himmler at Easter 1942 stated that these matters were not to be furnished from the monies belonging to the Ahnenerbe, but from monies of the Waffen SS. When my objection had no avail, and at this occasion Himmler became very energetic, I could succeed in seeing to it that a separate institution was created, namely this institute for Military Science Research and affiliated to the Ahnenerbe; but this was merely a union with the Ahnenerbe as far as personnel was concerned as existed elsewhere. For instance, the personnel of the German Research Society was also used for the Reich Research Council. However, the two institutions continued to exist independently of one another. When Himmler finally issued that order, and after my objection was not successful, I did as directed all the preparatory work to set up this institute for military scientific research.

Q Then you did engage in activities which eventually resulted into the foundation of these institutes for military scientific research?

A I described in detail the developments causing this during my direct examination.

Q Now, what did you do personally to further the establishment of the Station in the Natzweiler Concentration Camp for Military Scientific Research? Did you do anything, did you take any aggressive steps to carry out the Reichs-Fuehrer's order, as you put it, to establish this Military Scientific Research Station in the Natzweiler Concentration Camp?

A In this respect, in Professor Hirt's matter, Himmler had issued very clear directives. He ordered, and that can be seen from Document 095, that I discuss with Hirt the possibility of his being still more closely included in the work. That was done in the execution of Himmler's order.

Q And when you established this station, did you have ideas about perhaps establishing it, perhaps not at Natzweiler but at some other camp?

A Upon Himmler's request, Hirt in supplementation of his activities, was to carry out experiments in Dachau. He, however, rejected that because of the distance involved and because of his being indispensable at Strasbourg. Himmler thereupon ordered that this was to be carried out at Natzweiler.

Q Then consistent with your thought and your statement, did you make arrangements with, we will say Gluecks, Brigadefuehrer Gluecks, who was in charge of the concentration camps at that time? Did you make arrangements with Gluecks to get a station for Military Scientific Research in the Natzweiler Concentration Camp?

A Any such institute could only come about through the arrangement of the administration of the concentration camps, and it was for that reason I had to discuss this matter with Gluecks.

Q And you did discuss it with Gluecks, didn't you?

A Yes, I had to discuss this matter with Gluecks.

Q And what did you discuss with Gluecks?

A The creation of laboratories or work rooms at Natzweiler, and in particular experimental stations with animals, and arrangements for the breeding of animals, which were set up then.

Q You were aware of the fact that experiments were to be carried out on the inmates, weren't you? Or was it just animals?

A I had already pointed out repeatedly that the principal basis of Hirt's work was animal experiments, or could only have been animals experiments; and above that, however, Himmler wanted Hirt to carry out experiments on human beings. Hirt did both of these things at Natzweiler.

Q Now, did you, when you consulted with Gluecks, make it apparent that experiments were to be performed on inmates? Did you know at that time when you consulted with Gluecks in order to lay the groundwork for the formation of the station at Natzweiler, did you not know that experiments were to be performed on human beings who were incarcerated in the concentration camp Natzweiler?

A Himmler already ordered that at Easter of 1942.

Q Well, now, then you answer to my question I put to you a few moments ago, is that you were aware that experiments were to be carried out on inmates at Natzweiler Concentration Camp?

A Yes, I said that.

MR. HARDY: That is fine. We turn to Document No. NO-978, which will be offered at this time, your Honor, as Prosecution Exhibit No. 480, for identification. Now, this is a letter dated 11 September 1942, on the letterhead of The Chief of the Office Almenerbe, addressed to SS Brigadefuehrer Bluecks, Subject: Military Scientific Research in connection with the concentration camp Natzweiler. Reference: Personal discussion of the 9th inst.

"Brigadefuehrer:

"Based on my report that, as proposed by the Reichsfuehrer-SS, there is a good possibility for carrying out our Military Scientific Research Work in the concentration camp Natzweiler, I hereby summarize what awaits your approval.

"1) Information to the commander's office, concentration camp Natzweiler: SS-Hauptsturmfuehrer Prof. Dr. Hirt, Stabsarzt Dr. Wimmer and Dr. Kieselbach, are authorized to enter the concentration camp

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Natzweiler. During their activity in the concentration camp Natzweiler they are to be provided with accommodations and board."

And now will you turn to paragraph 5 in the same document, wherein you state:

"The experiments which are to be performed on prisoners are to be carried out in four rooms of an already existing medical barracks. Only slight changes in the construction of the building are required: in particular the installation of a hood which can be produced with very little material. In accordance with attached plan of construction managements at Natzweiler, I request that necessary orders be issued to same to carry out the reconstruction."

Then you state:

"I would be very grateful to you, my dear Brigadefuehrer, if you would inform the Commander of the Natzweiler concentration camp, that you have approved the execution of the work at Natzweiler, just as it was discussed with me there and about which I reported to you in detail, and that you desire that we be given assistance in fulfilling the tasks with which we have been entrusted by the Reichsfuehrer-SS."

Q Then upon orders of the Reichsfuehrer-SS you handled almost exclusively the preparations for the foundation of the institute at the Natzweiler camp, didn't you?

A As I already stated earlier, and as it is being confirmed in this letter, from paragraph two of this letter, it can be seen that the breeding of animals was arranged very exclusively --

Q Just a moment, Mr. Sievers.

A -- And that a certain man, Walbert, was placed at the disposal--

Q Just a moment, I asked you a question. I want you to answer that first, and then you may explain the document. Didn't you, nearly exclusively, make all the arrangements for the establishment of the Institute for Scientific Research in the Natzweiler concentration camp, and I will say in addition, on the orders of the Reichfuehrer-SS?

A Just as I answered you before, by order of the Reichsfuehrer-SS I arranged all the discussions in Natzweiler in order to enable Hirt to work there.

Q Now did you find out for Himmler that Natzweiler would be the best place to carry out these experiments successfully?

A I said before that Himmler had suggested Dachau instead of Natzweiler, and that becomes apparent from the letter, and that Hirt who was with me at Natzweiler, stated that he could very well work there.

Q Well, didn't you actually make a tour of concentration camps in order to find out which one would be the most suitable for this purpose?

A No. I already told you that except Dachau, Natzweiler and Oranienburg I had visited no concentration camp, and that Himmler actually finally made that suggestion. It says in the first sentence: "as proposed by the Reichsfuehrer-SS."

Q Now let us turn to Document NO-935 which is offered as Prosecution Exhibit No. 481 for identification. This document bears your initials, doesn't it, Mr. Sievers?

A Yes.

Q Well, now, this document is dated 27 August, which is a short time prior to the time the document was submitted to you wherein you reported to Gluecks. This states as follows:

"To SS-Brigadefuehrer Gluecks, Oranienburg.

Subject: Military scientific research in connection with the Natzweiler camp.

Brigadefuehrer!

"As a result of the official tour in connection with the creation of an Institute for Military Scientific Research ordered by the Reichsfuehrer-SS, I have unfortunately been unable to come and see you so far in order to report to you about the particulars of the researches and investigations, as SS-Obersturmbannfuehrer Dr. Brandt proposed to you in his letter. Today, I again have to go to Strassburg to hold further discussions with SS-Hauptsturmfuehrer Professor Dr. Hirt and should like to take the opportunity of going to Natzweiler with him on Monday 31 August 42. May I, as this official tour had to be decided on suddenly, ask you to have the commander of the camp advised of my visits? Upon my return I will come and report to you.

Heil Hitler!

Sievers."

Now is Natzweiler the only camp to which you made an official visit for this purpose?

A Yes. It was for that reason that I went to Strassburg to see Professor Hirt. At that time I had not yet been to Natzweiler because, as it becomes apparent from this letter, I had had to ask Gluecks for permission to get into the camp. As I said in my direct examination, I couldn't get into the camp unless he approved my visit there. I made many official tours, but no official tours in order to find a suitable concentration camp.

Q Well, now, you were very much in favor of expressly choosing Natzweiler, weren't you? Weren't you in favor --

A As becomes apparent from the previous submitted letter, Himmler had ordered that because Natzweiler was close to Strassburg.

Q I see. Well, now, didn't you consider that the working conditions in Natzweiler were extremely favorable for this purpose?

A Hirt established that because it was very close to Strassburg.

Q Well, let's see if Hirt established that. Let us have a look at Document NO-977 --

MR. HARDY: -- which will be offered for identification as Prosecution Exhibit No. 482, Your Honor.

Q Are your initials there, Mr. Sievers?

A Yes.

Q Now we will read this little note that bears your initials.

"Note

Subject: The carrying out of military scientific research in concentration camp Natzweiler.

"As a result of the conference on 31 August 1942 at the concentration camp Natzweiler, there is a possibility that the research ordered by the Reichsfuehrer-SS in the concentration camp Natzweiler be carried out. Working conditions on the whole are extraordinarily favorable. The difficulty lies in the reaching of the camp. For the time being, the scientists ordered to carry out the investigation, Professor Dr. Hirt, Stabsarzt Dr. Wimmer, and Dr. Kiesselback have to use the train from Strassburg to Kotau. From there, however, they have to be picked up by car. For these additional trips, twenty liters of gasoline must be made available to the local camp headquarters monthly."

And that is signed, "Sievers." I call your attention to the sentence: "Working conditions on the whole are extraordinarily favorable." That is not Hirt's idea. That is Mr. Sievers' idea, is it not?

A As it can be seen from the letter to Gluecks, there was a man in that camp called Oberscharfuehrer Walbert who by profession was a breeder of animals and, therefore, was in a position to be in charge of the entire animal breeding there. This was something that was con-

sidered to be extremely favorable by Hirt, and it was so in effect.

Q Well, Doctor, do you recall Document NO-422 which was Prosecution Exhibit No. 33, contained on page 80 of Document Book No. 2?

That is the order signed by Heinrich Himmler to establish the Military Scientific Research Institute within the framework of the Ahnenerbe.

Do you recall that?

A Yes.

Q That is dated 7 July 1942, isn't it?

A Yes.

Q Now was this idea to establish an Institute for Military Scientific Research exclusively the idea of Heinrich Himmler?

A I already stated earlier that after this conversation with Himmler and his subsequent order to get into closer contact with Hirt, and as I also stated during my direct examination that Hirt rejected to being put under Grewitz's jurisdiction, this thought arose to create an Institute for Military Scientific Research. This was in connection with the orders I was given Easter time with reference to my assignment, and the result of the conference with Hirt was passed on to Himmler, and it finally led to the formulation of the order dated the 7th of July.

Q Well, now, you were violently opposed to the attachment of any such institutes as outlined in this order by Heinrich Himmler, the attachment of any such institutes to the Ahnenerbe Society, as you have stated on direct, is that right?

A Yes, that is correct, and it was for that very reason that I was in favor of a separate institute being created, namely, this Institute for Military Scientific Research.

Q Then who suggested to Himmler that such an independent organization be used or be set up within the framework of Ahnenerbe?

A That was done on the basis of the mutual conversations between Hirt and myself, and then between me and Quast who was my departmental chief, and it was all suggested to Himmler.

Q Who suggested it to Himmler that they found an institute to be

attached to the Ahnenerbe Society?

A I suggested that to Himmler on the basis of my previous conversations with Hirt and Wuest. I did it by order of Wuest.

Q Well, at last we are coming around. You suggested that the Institute for Military Scientific Research be established within the framework of the Ahnenerbe Society, didn't you?

A In order to create an institution which was not in the Ahnenerbe, which would lie outside the framework of the Ahnenerbe.

Q I have been three days trying to get that answer from you and

listening to you on direct; and it is certainly a fact that you suggested it.

MR. HARDY: We will turn now to Document NO-2210 which will be offered at this time for identification, Your Honor, as Prosecution Exhibit No. 483.

Q On that last page, Mr. Sievers, the one right in front of you, is that your signature?

A Yes.

Q Well, now, I have marked in pencil where I want you to take note. You state therein after --

MR. HARDY: This report is a report, Your Honor, dated the 26th of June, 1942, and the subject is "Research by SS-Hauptsturmfuehrer Professor Dr. Hirt, Strassburg," and the question of closer collaboration between the Ahnenerbe and him, and here on the last page Defendant Sievers states -- which is the third paragraph from the top, Your Honor, on the next to the last page of your English copy, which is incorrectly assembled. The page containing the signature of Sievers, which is a half page of mimeographed subject matter -- do you have it, Your Honor?

THE PRESIDENT: It is marked page 4 on ours.

MR. HARDY: That's right, Your Honor.

Q Now here you state:

"To collect these and similar research in the Ahnenerbe, which certainly will occur, and thus facilitate the organizational and technical execution, I suggest:

"1) Foundation of an Institute for Military Scientific Research within the Ahnenerbe.

"2) Appointment of SS-Hauptsturmfuehrer Professor Dr. Hirt as an active member, and his appointment to Chief of Department H (signifying Hirt) of the Institute for Military Scientific Research.

"Rascher's work could well be here included. He then could be appointed as Chief of Department R (Rascher). Necessary supplies

for such an institute which in the first line will serve the needs of the troops would be easier to explain and more reasonable as if applied for under the name of the Ahnenerbe alone." Signed, "Sievers."

What is the date that appears directly opposite your name on that last page, Mr. Sievers?

A 26 June 1942.

Q And the date of the order by Himmler establishing the Institute for Military Scientific Research is 7 July 1942, is it not?

A Yes, that is also true. From this passage it becomes evident that I am here referring to Himmler's decision dated the 25th of March, which I already mentioned earlier, where he ordered that I discuss with Hirt his closer collaboration. The discussions that were continued with Hirt are here set down; and they were then submitted to Professor Buest. From the last sentence of this document it can be seen that it was intended not to continue the work under the name of "Ahnenerbe." In other words, this document confirms my conversation with Himmler Easter, 1942, and the subsequent organizational directives and considerations.

Q It certainly is apparent, Doctor. Let's turn now to another subject. Suppose a doctor wanted to gain entrance into a concentration camp. Generally, weren't you the man who was to be contacted if such an entry permit was requested?

A If anyone approached me on that matter, it was my duty to transmit that wish to Himmler, or Gluecke, who alone were competent for any such permission.

Q Now let us turn to Document NO-1657 --

MR. HARDY: -- which will be offered for identification as Prosecution Exhibit No. 494, Your Honor.

Q Now this document, Mr. Sievers, is dated 10 January 1942, and it is addressed to Obersturmbannfuhrer Sievers.

"Highly Honored Mr. Obersturmbannfuhrer Sievers:

"I acknowledge the receipt of your letter of 3 January 1942. During Sunday I will work on the report which you wish to have, since I have already collected all the necessary material for it. During this week it was not possible for me to compile the report, as I had to give a lecture in Wilhelmshaven, and my time was almost completely taken up with consultations on outbreaks of typhus both there and here. The report will reach Berlin by Tuesday at the latest.

"An outbreak of typhus in the Neuengamme Concentration Camp occasions me to request your intervention, that I might be granted permission by the Reichsfuehrer-SS in my capacity as Consulting Hygienist to the Health Administration here concerning the outbreak of such epidemics to visit the concentration camps and, if circumstances permit, to be allowed to undertake experiments by treatment of the patients and tests of delousing agents. Also the Typhus Research Laboratory, established by me in the Tropical Institute, needs material from fresh cases.

"The research results achieved in the laboratory with experimental animals, etc., cannot be evaluated practically without such work on patients.

"The Hamburg Tropical Institute is available for all collaboration in typhus research and the combatting of typhus.

Heil Hitler."

signed "Muehlens,

Professor Dr. Muehlens, Director of the Tropical Institute, Naval Medical Officer and Consulting Hygienist of the Bulgarian Army."

Now was it usual for people to request that you intervene for them to gain admission to the concentration camps?

A This letter constitutes a reply to an inquiry which I directed to a number of institutes and researchers at the beginning of January by order of Professor Muest, in connection with the foundation of an entomological institute which on the 1st of January 1942 had been ordered by Himmler. In this connection I

also had to write to Professor Hirt whose reply is also here available as a document. I had to write to Professor Hirt because he mentioned Rose in his reply; and when cross-examined, I already answered the Defense Counsel of Rose as to what I did with that letter. I transferred it to my department chief who then on his own initiative found a head for this entomological institute. I didn't know Professor Muehlens personally, nor did he know me personally, and I think that he probably only asked me to intervene on his behalf because he received a letter with the heading, "Reichsfuehrer-SS."

Q Well, now, when you intervened, to whom did you refer this matter?

A What matter are you talking about?

Q This letter of Dr. Muehlens. He wanted to get into the camp. To whom did you refer the matter?

A I can't tell you that from memory. I really don't know it anymore.

Q Well, now, logically let's think about it a moment. Who would you inform, or who would you ask, so that this doctor could be admitted into the Neuengamme concentration camp?

A I would have sent this letter of Mr. Muehlens to Rudolf Brandt asking him to present it to the Reichsfuehrer-SS and get his decision.

Q You wouldn't have sent it to Grawitz?

A Only after having received a reply from Brandt concerning Himmler's decision in that respect, but I was only directly in contact with Himmler and not with Grawitz.

Q Well, now, this appears to be from this letter you have before you a medical problem. Isn't it?

A Yes. We are here concerned with medical problems.

Q And who were the two highest ranking men in the medical services of the SS?

A Grawitz.

Q Who else?

A Grawitz and Gebhardt.

Q How about our friend, Mr. Genzken? He was a pretty high fellow, wasn't he?

A Yes, but I never had anything to do with Mr. Genzken. He was the chief of the Medical Service of the Waffen-SS, and I had no connections with that agency of the Waffen-SS.

Q Well, were you ever ordered to refer this matter to him, to Genzken?

A I already told you, I don't know what I really did in that case; but I think I probably transmitted that to Brandt, and if Himmler decided to send it to Genzken, it may have been that later I transmitted it to Genzken, but I can't remember it.

Q Well, we will look again at another section of this same document, which is page 3 of this document. It is dated 22 January 1942, addressed to Professor Dr. Muehlens, Director of the Tropical Institute. Subject: "Research and Control of the Insects influencing human beings.

"Highly Honored Professor,

"I thank you very much for your extensive report as well as for the enclosures attached to it and forwarded to me. I have made use of your material for my report to the Reichsfuehrer-SS and I shall also inform you shortly in regard of your requests expressed in your report.

"I have forwarded your letter of 10th January 1942 with my recommendations to the Hygiene Institute of the Waffen-SS (SS-Brigadefuehrer Dr. Genzken), Berlin W 15, Knesebeckstrasse 43/44. I think you will be given the opportunity of doing research work in Neuengamme.

Heil Hitler:

and there appears your signature, does it not?

A Yes, this is my signature, and what I said before is quite

correct. I used this material for my report to Himmler; and it was from there that I received the order to transmit Muehlen's letter to the Hygiene Institute of the Waffen-SS, and that is what I told Muehlens.

Q You are sure you did not receive the order to transfer this letter to the hygienist of the Waffen-SS from Gluecks. Wasn't he the logical man for you to have approached in the first instance to gain admission into a concentration camp?

A I don't understand your question in that connection. Maybe the translation was not quite correct.

Q. In the first letter Dr. Muehlens is asking for permission or a permit to gain entry into Neuengamme concentration camp. Now he has asked you to intercede in his behalf. Wouldn't the first step which you take be in the direction of Gluecks who had all of these passes? In other words, he had the power of admitting persons to concentration camps?

A. Gluecks would never have done that upon any answer by me. He couldn't have done that. The prerequisite was always in order by Himmler. My only channel was to approach Himmler, as it was actually done in that case, and whereupon Himmler decided that Muehlens' letter be directed to the Hygiene Institute. It is possible that he also ordered that Gluecks be informed of Muehlen's desire simultaneously. Whatever was done in that respect, of course, required an order by Himmler personally. I could order nothing whatsoever.

Q. Well then before you would have forwarded this letter to Genzken you would have had to receive an order from Grandt or Himmler, is that right?

A. Yes, that would have been a prerequisite.

Q. Maybe page two of this same document will clarify that problem for us. This is document, section is dated 19 January, and was sent for information to: The "Mannenerbe", and this document says: That the matter of Professor Muehlens should be referred to the SS Fuchrungsaupstant -- Medical Department, Berlin; and it is signed by Gluecks, and upon receipt of this, for information only, was that why you forwarded the original letter of Muehlens to Dr. Genzken?

A. I can't tell you that from memory.

Q. Well, did you ever talk to Dr. Genzken about this matter at all? Did you ever have any conversations with Genzken?

A. I never spoke to Genzken in all of my life. I transmitted the letter, just as I mentioned in the letter to Muehlens.

Q. So you never talked to Genzken in your life? Let's have a look at the fourth page of this same document. This is addressed to the

Hygiene Institute of the Waffen SS, for the attention of the SS
Brigadefuehrer Dr. Gensken:

"Subject: Application by Professor Dr. Muchlens, Director of the
Tropical Institute in Hamburg for material for his spotted fever re-
search laboratory.

"Brigadefuehrer:

"With reference to our telephone conversation of yesterday, I am
forwarding you the enclosed letter from Professor Dr. Muchlens, in
which he requests that he be granted an opportunity for conducting
examinations in the Neuengamme Concentration Camp. I have informed
him that I have passed this letter on to you.

Heil Hitler"

And below that appears the signature of Siemers. Is that your signa-
ture?

A. Yes, that is my signature.

Q. Then you have talked to Gensken, haven't you?

A. No, it doesn't mean that at all. This letter was directed to
the Hygiene Institute of the Waffen SS for the attention of Dr. Gensken.
I didn't speak to Gensken personally.

Q. Well, it was addressed to Brigadefuehrer. The salutation on
the letter says: Brigadefuehrer, does it not?

A. Yes, because he was the chief of that office.

Q. It says: "Referring to our conversation" - does it not?

A. It probably refers to the conversation with his adjutant. I
didn't speak to Mr. Gensken.

Q. We won't argue that point any further. We will let the Tri-
bunal decide that, Mr. Siemers. I want to ask you a few more questions
about your affiliations with certain individuals. When did you first
meet Dr. Brandt?

A. You mean Professor Brandt, do you?

Q. Yes, Professor Brandt, Karl Brandt?

A. That was on the 31st of March 1944.

Q. The 31st of March 1944. When did you ever meet Professor Handloser?

A. I never met Professor Handloser.

Q. When did you meet Mr. Ruff, Dr. Ruff, for the first time?

A. Here during the trial.

Q. You never met him when he was working with Rascher?

A. No, I only knew that he was the chief of the German experimental station for aviation.

Q. And you met Romberg when you met Rascher, is that right? About the same time?

A. Yes.

Q. That was the first time you had ever seen Romberg?

A. Yes, that is when the experiments were already being carried out.

Q. That was the first association you had with Dr. Rascher?

A. I knew Rascher before that, but I only met Romberg on the occasion of my first visit to Dachau.

Q. How long had you known Rascher? Was it early 1942 or when?

A. I already said during my direct examination that I had known Rascher since 1938.

Q. Did you ever make an attempt to intercede in behalf of Rascher, prior to this experimentation in May of 1942 or March of 1943, so that he could go to the concentration camps for experimentation purposes?

A. I said that Rascher up to that time was working with Himmler's adjutant office in Munich.

Q. And you never interceded for Rascher so that Rascher could go to the concentration camps for experimental purposes prior to the first high altitude experiments?

A. No, I can't remember that.

Q. Isn't it a fact that you and Rascher were actually old friends? That you had contact from 1938 on, and you had worked a lot together?

A. During my direct examination I already stated that Rascher at that time intended to carry out work in connection with an early diagnosis of cancer.

Q. What year is that? Establish the year for us, Mr. Sievers?

A. That was - must have been in 1938. Rascher was then drafted into the army, and then this matter never was continued.

Q. And then after that particular situation concerning the cancer problem, you had no further contact with Mr. Rascher until the high altitude problem arose?

A. Until the high altitude matters arose; in the meantime Rascher had been with the Luftwaffe.

Q. Let's have a look at Document NO-1331, which is offered for identification as Prosecution Exhibit 485, Your Honors. Now this is dated 26 May 1939, to the Reichsfuehrer SS, personal staff, attention SS Hauptsturmfuehrer Dr. Brandt:

"Subject: Identification for Dr. Rascher, Munich, to enter concentration camps.

"Upon request of the Reichsfuehrer-SS, among the research experiments which Dr. Rascher has to carry out, the crystallization of the blood of persons is to be examined, which serve long sentences in concentration camps or are imprisoned for a long time. Please see to it that Dr. Rascher can get authority enabling him to perform such experiments in the Dachau Concentration Camp, and please let me know when Dr. Rascher may contact there."

Is that SI that appears there under the notation, Wolfram Sievers?

A. Yes, that is my initial.

Q. And the date thereon is the 26 May 1939?

A. Yes, it concerns the crystallization procedure with reference to the cancer work which Rascher intended to carry out.

Q. That is right.

A. The Reichsfuehrer was in favor of that as can be seen from
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the letter. It was transmitted to Brandt and that is all.

Q. Now, doctor, here in this trial the Prosecution has introduced nearly seventy-five documents in which your name appears. Some of them are letters signed by you, addressed to you or wherein a third person has mentioned you as a collaborator. The documentary evidence has even proven, that you were better informed in most of these matters, than the human person, Dr. Brandt. Now do you still wish to sit here on this witness stand and tell this Tribunal that you do not have a more complete knowledge of the activities as set forth in this indictment than you have elicited here the last two days? — Do you have nothing further to add about the criminal nature of these experiments and about the part these gentlemen in the dock took in the conduct of such activities?

A. My participation in that work I described it in detail during my direct examination. I have had no reason whatever to keep anything quiet, and I did not intend to keep anything quiet. The documents submitted in that connection all refer to matters which I had to deal with in the framework of my position as General Secretary. If these matters, apparent from the letters and submitted here and often thrown out from their context, a picture appears which is not in accordance with the facts. One only needs to leave out everything which is sensible and clarifies the situation, and then it becomes very easy to condemn a person.

Q. Now, Dr. Sievers, prior to the day you walked into the court room for the arraignment in this case had you ever appeared in this court room before?

A. Yes, I was examined here before the I.M.T.

Q. Why did you appear here before the International Military Tribunal?

A. Because I was called here.

Q. You were called here as a defense witness for the SS as an organization, were you not?

A. I didn't volunteer for that. The defense counsel of the SS called me here and my first act was to show Dr. Polckmann, my letter dated December 1945, where I told about my membership in the resistance movement, and I told him in that connection I was an unsuitable witness for him. Dr. Polckmann, however, insisted very urgently that he examine me in connection with the problem of the Ahnenerbe, although this was not any voluntary action on my part. Finally, under difficulty I had an opportunity to speak before the I.M.T. and tell them what I really was, and I told you this morning what difficulties I had in that respect through you.

Q. Now, Mr. Sievers, you appeared before the Commission which was set up by the International Military Tribunal, did you not. Don't give me a long answer, now did you or did you not appear before the Commission of the International Military Tribunal?

A. Yes, under circumstances, which I have just described.

Q. Yes, and you appeared before the International Military Tribunal?

A. Yes, as it becomes apparent from the record.

Q. And didn't the International Military Tribunal, and doesn't the record of the International Military Tribunal show that the testimony before the Commission that it was felt that one Sievers was perjuring himself in this Tribunal?

A. It was the aim -- the very calculated aim of the representatives of the Prosecution, to make it appear that way. I studied both records with my defense counsel and I can say that this sophistry which I despise, did not accomplish its aim.

Mr. Hardy: No further questions.

THE PRESIDENT: The Tribunal will be in recess.

(The Tribunal adjourned at this time for noon recess)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 14 April 1947.)

THE MARSHAL: The Tribunal is again in session.

DR. FRITZ (Counsel for the defendant Rose): Mr. President, I should like permission to have Rose excused from tomorrow's session. His case is the next one coming up and I should like to discuss it with him at somewhat greater detail.

THE PRESIDENT: Upon request of counsel for the defendant Rose, whose case will next be heard before the Tribunal, defendant Rose may be excused from attendance before the Tribunal tomorrow for the purpose of consulting with his counsel.

DR. FRITZ: Thank you.

WOLFRAM SIEVERS - Resumed

THE PRESIDENT: Any further questions of the witness by counsel for the defense?

REDIRECT EXAMINATION

BY DR. WEISGRUBER (Counsel for the defendant Sievers):

Q. Witness, the documents that the prosecution submitted this morning give me occasion for a few questions. The answer to the prosecutor's question regarding your letter of 20 January 1945 to Hirt, Exhibit 479 of the Prosecution, was somewhat brief. However, I consider it absolutely necessary, in the interests of clarity, that you state briefly what your situation was in January '45 and whether from this situation you had some particular inducement to write in the formulation in which this document appears. Do you remember that letter?

A. Yes. In my direct examination I attempted to make clear what difficulties, and what a tense situation, there were at that time, shortly before the collapse. A man like Hirt, who was so close to Himmler and who enjoyed his particular confidence, always found it necessary to live up to this relationship in the tone that he adopted in his relations with me. In my direct examination I stated that not only from the beginning of 1944 on did I have the feeling of being watched over by the Gestapo,

but in May I found out confirmation that this was being carried out on the Chief of Staff above me, and the SD leader who was in my department corroborated that. Thus, in this situation, where everything was touch and go, it was very important to be careful and, therefore, I tried to explain that the tone in which this letter was held is quite comprehensible.

Q. To Document NO-935, that is Exhibit 481, I should like to ask you a few questions. I shall have this document put to you again. This document carries a postscript which begins with the words "SS Untersturmfuehrer Wolff". He was employed in the Ahnenerbe, was that not so?

A. Yes.

Q. In this note Wolff is asked to find out the location of the camp Natzweiler, and to find out who the commander was, and this information was to be translated to you by telephone at Strassbourg by the 29th of the same month at the latest. Is my assumption correct that at that time, namely, in August 1943 ---

A. The letter was dictated by me on the 27th of August and provided with this note regarding Wolff, in which I asked him to find out the exact address of the camp and the commander of Natzweiler, and to commit that to me by telephone to Strassbourg because I left Berlin on the 26th of August on an official journey, as the letter shows, and asked Wolff to give me this information by the 29th. In other words, when I left Berlin on the 27th of August, I intended to go to Strassbourg and at that time I did not know the location of Natzweiler, nor did I know who the commander was. In other words, your assumption is correct.

Q. In the first part of this letter there is mention of an official tour and the word "Dienstreise" is translated by the word tour in English and was interpreted by the prosecution as a round trip, as a tour. Now, tell me, did you simply make an official trip that was necessary for official reasons to Strassbourg, or did you really make a tour, such as the prosecution assumes, through various concentration camps?

A. At that time I made an official trip to Strassbourg and it is a matter of incorrect translation if this official trip was translated as an official round trip, and this is one of the repeated and unfair interpretations on the part of the prosecution.

Q. I can assure you that the interpretation was not meant to mislead.

A. Nevertheless it did so.

Q. Your note of the 26th of June, 1942, Exhibit 481 contains... In other words, as can be seen from it, your proposal for the founding of a military research institute within the Ahnenerbe. Now, I believe it is necessary in our search for absolute truth to go into the historical development that preceded this. You had this discussion with Himmler about which we have had enough discussion. You saw that Himmler wanted to have these experiments carried out by Rascher and Hirt by all means.

A. Yes.

Q. You saw that, from the administrative point of this, this Rascher and Hirt institute was to be looked after by the Ahnenerbe. Did you know then where the financial means for this institute were to be provided, or was that determined only later?

A. When I objected, Himmler arranged for that. I mentioned this morning briefly the very limited opportunities I had to interfere, and he arranged that money of the Waffen-SS and not that of the Ahnenerbe should be used for this.

Q. And was that not one reason why these institutes, which were alien in nature to the Ahnenerbe, were to be made a sort of annex to the Ahnenerbe and this whole idea was discussed in this conversation of Easter

of 1942? Is that not so?

A. Yes, quite clearly. Therefore, the institute was later called the institute of the Waffen-SS and Police.

Q. In other words, to work out this note of the 26th of June of 1942 there was no particular reflection necessary on your part. The working out of this note was simply a matter of setting down in writing what Himmler had very clearly decided at Easter, 1942?

A. Yes, it was simply the matter of setting down in writing what Himmler had already established as policy.

Q. I come now to Document NO-1657, Prosecution Exhibit 484. On page 2 there is a letter of the 19th of January, 1942, sent "for information" to the Ahnenerbe and this letter is directed to Obersenatsrat Dr. Osterdinger. Did you know this man or did you have anything to do with him within the scope of the Ahnenerbe?

A. No, I didn't know him and I had no connections with him at that time, but I assume that Herr Muehlens turned to this man in this same matter in the same way that he wrote to me, although there was no possible reason for his doing so because he had received a letter from me with the letterhead of the Reichsfuehrer SS.

Q. Now, page 4 of this document was submitted to you by the prosecution with the accusation that your first statement that you had never spoken to Dr. Genzken was not true. Because of this notation here "with reference to our previous telephonic conversation", I should like to ask a few questions about the administration of the Reichsgeschaeftsfuehrung of the Ahnenerbe. There the Ahnenerbe had a few collaborators, such as Hauptsturmfuehrer Wolf. In such cases as this did you yourself always carry on telephonic conversations with other offices and only use in such cases this phrase "with reference to our telephone conversation of yesterday" or was it your practice, as it was the practice so far as I know in many other offices, that the following took place. The adjutant or some other collaborator spoke by telephone with the member of another staff or office and then, when this conversation was corroborated in writing, this

phraseology was used such as we see here in this letter?

A. Yes, I tried to express that in my answer this morning because, of course, it was not possible for me to carry on all the conversations by telephone myself and, moreover, in such general matters it was not at all customary for a high SS leader of Genzken's rank to go to the telephone. That was taken care of by the adjutant who would say that his Brigadefuehrer asks that the letter be forwarded and then the situation took place exactly as you have described. I remember very clearly that I never spoke with Genzken and didn't know him.

Q. This morning the prosecutor expressed his opinion regarding your relations with Dr. Rascher, saying that you were befriended with Dr. Rascher. Actually, your relations with Dr. Rascher were clarified well enough in your direct examination but this remark on the part of the prosecution induces me to return to your relations with Rascher. Were you ever friends with Dr. Rascher?

A. At no time did I have any close or friendly relations with Dr. Rascher because from the first moment on, and particularly because of his wife, I did not like him at all and I never had any reason to change this opinion. On the contrary, it became stronger and deeper and it was a rejection of Rascher's personality.

Q. Which, however, does not exclude the possibility that in official matters and within the scope of the matters that you had to deal with him, you wrote letters to him such as this letter of 26 May 1939, which was put in this morning as Prosecution Exhibit 465.

A. That was one of my official duties and I carried out this duty also in Rascher's case with material courtesy, and precisely because of the close relations between the Rascher family and Hitler I was particularly careful since he was always ready to turn to Hitler directly if, in his opinion, he had any reason for complaint.

DR. WEISGERBER: Mr. President, that concludes my redirect examination.

THE PRESIDENT: Any examination of this witness by way of redirect

examination on the part of any defendant?

BY DR. VORWERK (Counsel for the defendant Rosenberg):

Q. Witness, would you please once again concentrate upon your visit to Dachau on which occasion you saw a high altitude experiment? Under interrogation by Judge Sebring you said that you ascertained on the occasion of this visit that after the experimental subjects got earache Dr. Rosenberg changed the pressure and thus brought about a condition that the subject found more tolerable. Do you remember that?

A. Yes.

Q. How did you find out that the subjects had earache?

A. One could see through the observation window that the man pointed to his ear and I assumed from that that he had earache. I couldn't hear him, of course.

Q. And when this sign was made by the subject, did Rosenberg then change the pressure?

A. Rosenberg moved a few levers and from the altitude meter I could see that the pressure was being changed.

Q. After Rosenberg moved this lever, did the experimental subject continue to point to his ear?

A. No, then he nodded in satisfaction to show that he liked the change that had been made.

Q. Do you assume that between the experimental subject and Rosenberg there had been a conversation to the effect that if the subject pointed to his ear Rosenberg was to set the chamber at a different altitude?

A. That Romberg and the experimental subjects had reached an agreement beforehand, and must have done so, that I learned subsequently from a conversation that Romberg had with the experimental subject after the experiment.

Q. Do you remember the contents of that conversation?

A. I at any rate had the impression that they had reached a satisfactory agreement regarding the course that the experiment was to take.

Q. Now who said that, the subject or Romberg?

A. The man more or less thanked Romberg for this.

Q. Now to another matter. You stated that Rascher had said things to you in connection with these experiments; he had cursed and said that the experimental subjects were unimportant and that it did not make any difference whether they were done harm or not. Did he make this statement after the experiments or did he express it in a loud cursing, so that everyone could hear it?

A. When the experiments had been concluded and the chamber was no longer in Dachau, I asked Rascher how everything had gone off in the experiments, and whether nothing had happened to the experimental subjects. To my surprise, since this contradicted what I had observed at the experiments myself, he said that a couple of persons had died. Then I asked him "How come?" He said Himmler had asked him to carry out a few extreme experiments and I then asked him whether Romberg had been present. Rascher said no, he had done them alone, and on this occasion he made that statement about Romberg -- that Romberg was in his way because he was too weak. That Himmler had demanded his extreme experiments can be seen from the documents here which, however, did not go to me or to the Ahnenerbe at that time but only to Gluecks and the SD -- namely a document in which Himmler commanded Rascher to carry out further experiments with criminals condemned to death.

Q. I asked you whether Rascher made this statement at the time

you witnessed the experiment — whether he made any remarks regarding the treatment of the experimental subjects at the time when you were there.

A. No, he did not.

DR. VONWEERK: I have no further questions.

THE PRESIDENT: Are there any other questions of the witness on the part of defense counsel? Any further cross-examinations by the prosecution? Examination of the witness having been closed, the witness will be excused from the witness stand and may resume his place.

(Defendant Sievers leaves the witness stand.)

DR. WEISGERBER: Mr. President, it is now my intention to call the witness, Dr. Eduard May. I shall appreciate the Tribunal giving me permission to call him to the stand.

THE PRESIDENT: The marshal will summon the witness Eduard May.

MR. HARDY: Your Honor, may I inquire as to whether or not the defense counsel has all four witnesses available to be heard here in the next day or two, and then is it his idea to submit the rest of his documentary evidence after the witnesses have been heard?

DR. WEISGERBER: Mr. President, all witnesses are present and I intend to hear them, one after the other, but before we hear Hielscher I should like very briefly to put in a few documents.

MR. HARDY: Thank you.

(EDUARD MAY, a witness, took the stand and testified as follows:)

BY JUDGE SEHRING:

You will hold up your right hand and be sworn. Repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEHRING: You may be seated.

DIRECT EXAMINATION

BY DR. WEISGERBER:

Q Witness, your name is EDUARD MAY?

A Yes.

Q You were born on 14 June 1905 in Mainz?

A Yes.

Q And you live in Niederbreckenberg near Sternberg?

A Yes.

Q You have the title of Doctor. Which one?

A Doctor of Natural Philosophy.

Q Were you ever a member of the Nazi Party, the SS or the SA?

A No, I belonged neither to the Nazi party nor to any of its organizations or affiliations.

Q In the Defendant Sievers' diary, an SS Oberscharfuehrer, Dr. Mai, appears. Are you identical with that man?

A No, I am not. My name is spelled with a "y" - M-A-Y, and I remember having heard or read the name of this SS man and he spells his name with an "i" - M-A-I.

Q Doctor, as a private scholar you have specialized in the field of entomology?

A Yes.

Q Since when?

A Since 1928.

Q And with what did you concern your research?

A My special field was applied entomology. This is research into combatting insect pests in agriculture, in forestry, in orchards, etc. So far as insects are concerned which do damage to human beings by carrying diseases, you speak of medicinal entomology; that is, in other words, a branch of applied entomology. All applied entomology aims at finding means and methods to destroy insect pests, and to find means of preventing their mass multiplication.

Q Doctor, have you taught?

A Yes, in 1941 I was a lecturer in the University of Munich.

Q Who was the rector of the university at that time?

A The rector was the ordinary professor of Indogermanic languages, Dr. Walter Wuest.

Q And do you know whether Dr. Wuest had any other function at that time?

A Yes, I knew that Professor Wuest was at the same time, and this had nothing to do with the university, curator of the Ahnenerbe Office. Shortly thereafter he became chief of the Ahnenerbe Office.

Q Is it correct that Professor Wuest, in the spring of 1942, asked you to carry out a research assignment for the Ahnenerbe?

A Yes, in 1942 Dr. Wuest called upon me and told me that Himmler had an applied entomology research assignment to be carried out, and he ordered in this connection to set up a laboratory or institute where the research for this assignment could be carried out. This concerned the question of combatting insects that do damage to human beings and this research was to be carried out within the framework of the Ahnenerbe. I pointed out to Professor Wuest that because of assignments from industry I was very overworked and that, moreover, it was not my intention to sacrifice my free professional position for the sake of some official position. Professor Wuest thought that this was of no importance and that I could take over this research assignment and my free professional position would not thereby be in any way endangered; I would have some sort of loose contract with the Ahnenerbe and that I should discuss this matter with the Reichs Business Manager of the Ahnenerbe, namely Mr. Sievers. That was the first time I heard his name. That was the contents of our discussion, and Wuest said that Sievers would get in touch with me.

Q Did you then have a talk with Sievers?

A Yes. In the next few days Sievers called me up. I then made

his acquaintance and we met and had our first conversation.

Q Do you recognize Sievers among the defendants?

A Yes -- first row, first one from the right.

Q What else was said about this research assignment that you
were given?

A Mr. Sievers said the same thing to me that Professor Wuest had said, namely that this was research into combatting insect pests that do damage to human beings. I then pointed out to Sievers that this was a very large problem, and I should have to know precisely what problems specifically interested Himmler. Sievers answered that I myself should give those problems which I, on the basis of my specialized knowledge, would regard as the most pressing. I then had to say to Sievers again that that was not possible without further attention, that I could only draw up a precise working program after I knew what equipment and work means were to be put at my disposal; and I asked him whether there were any laboratories, whether there were instruments, whether he had the necessary assistants, technicians, assistants, specialists and so forth, and to what extent this equipment was available. I was rather surprised when Sievers told me that there was nothing there at all yet, that he didn't know anything about the whole matter himself, he simply had the order, and there wasn't even a building available, and if I took over this matter I should have to erect this whole laboratory. Sievers and I reached some sort of an agreement to the effect that I agreed to carry out a very rough survey of the whole problem on the basis of which the specified work on the problem would later be arranged for, and furthermore, that I should make efforts either in Munich or in the neighborhood of Munich to find a building that could be used for the purpose of this institute.

Q Doctor, regarding this conversation of 1 April between you and Sievers that took place in Munich, there is a file note which I should like to show to you. Look at No. 4.

A Yes.

Q There is mention of observations on prisoners; was this question discussed on 1 April between you and Sievers?

A No, this whole point 4 is incorrect, because it says here

"in this connection I am wondering whether we couldn't begin the experiments most rapidly if we used Dachau installations." Now, in this first talk with Sievers there was no mention of Dachau. Otherwise I never should have made the suggestion that I find a building through private agencies, nor should I after this conversation have made an effort to find a building in that way. It was not very easy at that time to find buildings, so I ran all over the country and looked at various buildings which firms had named as for sale, and then made a suggestion to Sievers on this subject, which was then accepted by Sievers. In other words, there was no mention either of prisoners or of Dachau in this first conversation.

MR. HADY: Your Honor, a file note of some description has been submitted to the witness. Will defense counsel kindly identify same?

DR. WEISGERBER: It is in document book 4, Document NO-721, Exhibit 126 of the Prosecution; page 15 of the Document Book No. 4.

Q In other words, there was no talk of carrying out observations on prisoners?

A No.

Q Was there any mention of the excellent medical facilities at Dachau?

A No.

Q Was there any talk of Professor Schling, who carried out his anopholes experiments in connection with tropical malaria in Dachau?

A No.

Q Then where was your institute housed?

A I found a building in the little town of Holzkirchen near Munich, which was for sale, and which would be suitable after being expanded. I spoke with Mr. Sievers. He agreed, liked the place and empowered me to enter into negotiations with the owner for the purpose of purchasing it. While these negotiations were still

going on, Sievers again came to Munich, and in this third conversation, did he for the first time tell me that Himmler had decided that the laboratory, respectively the Institute was to be set up in Dachau. I was rather surprised by this at first, and Sievers gave me the following reason for this. I have already mentioned that the taking over of this building in Holzkirchen, which was an old inn, would have involved remodeling, and Speer's prohibition regarding new construction work had already been issued, and Sievers said to me if the Institute is set up in Dachau we are no longer dependent on this Speer prohibition, because we have all the material we need. We have land belonging to the SS, and moreover there are enough architects and building technicians among the prisoners at Dachau to do the work for us. Sievers then asked me whether I agreed to this arrangement, because he had to tell me right at the beginning that I could not get any stone buildings in Dachau, such as I had intended, but could simply get a barracks, and he asked whether the entomological laboratory could be housed in a barracks. I then told Sievers that an entomological laboratory just like any others could be housed in a barracks, and that I had no objections to locating the research institute in Dachau.

Q When did this conversation take place, roughly?

A That, I believe, was four weeks after the first conversation, because I remember that I spent some time in locating a building, and that there was some length of time again elapsed before the plan of buying the building in Holzkirchen was abandoned.

THE PRESIDENT: It seems counsel that a considerable of this evidence is quite irrelevant. Can you not expedite the testimony of this witness?

Q When then did your laboratory begin its work?

A Let me interrupt. I am sorry, I didn't hear anything.

Q When did your institute begin its activity?

A The first experiments were in June of 1944.

Q Now, it is noteworthy that there is a lapse of roughly two years between the first discussion of this and the actual setting up of the institute.

A Yes, the preparatory work, construction and getting the instruments, and so forth.

Q Witness, was this delay to be traced back to the fact that Sievers went forward with this matter only very reluctantly and hesitatingly?

A Yes, that is the impression I had, namely that Sievers personally was not the least interested in these matters, and above all I had the impression that he did not use the means that on the basis of his position he could, in my opinion, have used and should have used in order to carry out the construction and preparations and to hasten them.

Q In other words he was very dilatory in this whole matter?

A Yes, very dilatory indeed; and I might say in addition that this was really a simple matter of barracks construction, a barracks that could have been erected in three or four weeks, and that it took more than half a year.

Q Now, in your institute, did you ever carry out any malaria experiments?

A No, malaria is not in my field at all. I named one of the main problems already, and I was told that I was to carry this out, namely to find new means of combatting larvae of biting mosquitoes -- of creating a poison in powder form to be sprinkled over water in pools, stagnant water where mosquito larvae are breeding in order to kill off this larvae. Research in this was carried out at great length, and it was largely at this time the problem became particularly important, the problem of combatting them with new means, since the raw material situation was such the previous used means were not available any more in sufficient quantities.

Q Did you ever work with Professor Schilling in Dachau?

A No, I did not work with Professor Schilling, nor did I know him personally, but I found out in Dachau itself in conversations that in the camp a Professor Schilling was concerning himself with malaria and also was breeding mosquitoes to obtain the larvae, as I did for my experiments. The research institute was outside the camp.

Q Between you and the malaria institute, which was in the camp itself wherein your institute was outside the camp, was there any collaboration or did that institute make larvae available to you?

A No, I received no material from Schilling, and the Schilling institute never asked for material from my institute.

Q Did Sievers, in connection with your research activities, have anything to do with malaria research?

A No.

Q In Sievers' diary under 6 January 1944, there is an entry according to which there was a talk between you and Sievers on combatting malaria in Auschwitz?

A Yes, that was the following: Mr. Sievers reported to me one day that in the camp of Auschwitz the number of cases of malaria had increased, and it was intended to undertake measures against this. He asked me whether something could be done that applied on the anopheles and whether in combatting anopheles the mosquito was possible. I then told Sievers I would have to look at this first. Consequently, I went to Auschwitz and ascertained that under such and such prerequisites the sprinkling of water with this powder could be undertaken. That is how this came about.

Q In other words this activity at any rate had nothing to do with malaria experiments on human beings?

A No, this was simply the business of clearing the area of mosquitoes.

Q Under 22 February 1944 there is an entry in Sievers' diary, "Talk with Dr. May, collaboration with Dr. Floetner and Professor Schilling;" from this one could infer that there after all was some sort of collaboration?

A Perhaps this entry refers to the following situation - but first of all I should like to say, there was never any talk about any collaboration: During the time the institution was constructed, I had taken over a number of people in these barracks, who in themselves had nothing to do with my experiments, but whom I merely gave an opportunity to settle there. If I remember correctly I was informed, or rather I was asked by Professor West, not by Sievers, whether it was possible to accommodate a certain Professor Floetner to enable him to carry on his experiments. I emphasize this is not a matter of collaboration, but merely the furnishing of space. I met Professor Floetner, he was introduced to me, and we went out to the barracks, which at that time had only been half completed.

Q Doctor, I believe that will suffice.

A Perhaps I may add that Dr. Floetner looked at the barracks and said he did not have sufficient space there.

Q Did you have an opportunity of ascertaining whether Sievers had anything to do with Dr. Schilling's department?

A No.

Q You really had nothing to do with the real inside of the concentration camp in Dachau?

A No, this research station was outside the SS camp.

I was not even allowed to enter the concentration camp.

Q During the course of your activities at Dachau, did you ever come in contact with Professor Blome?

A Yes, that occurred in the beginning; and I don't know whether directly through Blome or through Sievers' mediation I received an inquiry to the effect that I render an expert opinion to Dr. Blome concerning the possibility of taking a combat measure in case that harmful insects be dropped from airplanes.

Q Did this conference with Blome concern itself with an active biological warfare?

A No, at that time the question was discussed whether it was possible that in the case of dropping potatoe insects, a certain counter measure could be taken, and what in detail was to be done.

Q Was Sievers present during that conference?

A I believe.

Q Did you see Professor Hirt, the anatomical expert at the University of Strassburg?

A Yes, I made his acquaintance upon my own desire. In the expert world, it was well known that Hirt had developed a fluorescent microscopic method with the Zeiss firm. At this time it was quite a new affair and I was extremely interested in the matter, because I attempted to apply this method also in the entomological field. At this time I drew Sievers' attention to this method whereupon Sievers replied that he knew Professor Hirt, and Professor Hirt was collaborating with him in some manner. He further said that he would make it possible for me to meet Hirt and I would therefore be able to look at his intravital microscopic work.

Q You then looked at Hirt's work, and this mainly

concerned experiments with insects?

A .. number of gentlemen were present at that time. I remember that Hirt held an introductory lecture about his method, and he then demonstrated it.

Q Was the other part of Dr. Hirt's activities discussed in Strassburg at that time?

A No.

Q In the summer of 1944 sea-water experiments were to be carried out at Dachau; did Sievers discuss this question with you?

A No, Sievers said nothing to me about sea-water experiments, but the following connection has to be observed here. Sievers, one day asked me, when visiting me, whether it was possible for me to furnish a room. We were then concerned with a number of chemists who were to carry out chemical examinations and had to be accommodated for two to three weeks. He said that the gentlemen would bring all the equipment with them that they only need a room and they needed gas and water. I agreed to do that, and after a certain period of time a number of gentlemen arrived and settled there. It was only on this occasion that I found out what the connection was, namely that sea-water was to be made potable by applying a special method, and this sea-water was to be given to the inmates to drink and that the analysis of urine was to be carried out in the room I placed at the disposal of these chemists.

Q You know nothing about the manner of execution of these experiments?

A No, nothing at all.

Q Can you say anything at all about Sievers' participation in these experiments?

A No, I know nothing further than that Dr. Sievers

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asked me, if it would be possible to accommodate a number
of these chemists for a period of from two to three weeks.

Q I once more establish that your institute had nothing at all to do with these sea water experiments. Do you know on the basis of conversations which you heard at your institute anything about the extent and the result of these sea water experiments?

A No, I found out nothing about that. I only found out what I already told you concerning this room which I furnished and where I knew that urinalyses were being carried through. I only came into a very superficial contact with these gentlemen. I remember a certain man -- I think his name was Schuster or Schumacher -- who repeatedly approached me because he as a civilian, like myself, could not eat at the officers' mess, and had to go somewhere else for his food, and that is how a very superficial contact was established with that gentleman.

Q I am being informed that when translating the demonstration of Hirt regarding intravital microscopical work, the word "frogs" was not used, in the translation, and I should once more like to establish that the demonstrations of Hirt's that you witnessed were carried out on frogs.

A Yes; that is correct.

Q In connection with these sea water experiments, do you remember the name, "Dr. Beiglboeck"?

A Yes. By way of conversation I learned through my secretary that this group of chemists who were working with me were working under a certain Professor Beiglboeck. Personally I did not make the acquaintance of Professor Beiglboeck.

Q This conference regarding the furnishing of the room took place on the 20th of July, 1944, on the basis of Sievers' diary. Do you know whether Sievers went to Dachau after this period of time?

A No.

DR. WEISGERBER: Mr. President, I have concluded the examination of this witness.

THE PRESIDENT: Are there any questions to the witness on the part of any other Defense Counsel? If not, the Prosecution may cross-examine.

CROSS-EXAMINATION

BY MR. HARDY:

Q Witness, what is your present address?

A My present address is the same which was mentioned by Defense Counsel before, Starnberg, Oberbayern.

Q Whom are you living with now?

A With whom?

Q Yes.

A I am living alone.

Q You are living alone. How well did you know Professor Hirt?

A I made Professor Hirt's acquaintance at Strassbourg. That was probably around Summer, 1944.

Q How well did you know Dr. Rascher?

A I made Dr. Rascher's acquaintance in Spring, 1944, when I was engaged in the construction of the institute. On one occasion when I was out there and observed the development of the institute, an officer came alone, and introduced himself to me. He said his name was Dr. Rascher, and he told me that he was active in the camp doing experimental work, and on that occasion asked me what my activity was. I told Dr. Rascher about my work, and he asked me to show him some of my laboratory equipment which was unpacked.

Q Well, now, after you had been established in the entomological institute which was outside of the camp at Dachau, did you ever have a visit from Professor Blome?

A No. Professor Blome was never in Dachau.

Q You don't ever remember seeing Professor Blome on his way to visit Dr. Rascher?

A No.

Q You never heard whether or not Professor Blome experimented on human beings with Dr. Rascher?

A No; I never heard anything about that.

Q Well, now, do you know a Miss Schmidt that used to work for Professor Hirt?

A No.

Q Didn't Miss Schmidt at one time work for Professor Hirt and then come to work with you?

A Schmidt?

Q That's right.

A Schmidt.

Q Yes.

A I beg your pardon. I understood "Smead". It is "Schmidt". Yes. Yes. I know that a Miss Schmidt came to me and worked with me as a technical assistant. She had previously been working with Professor Hirt.

Q Did Miss Bennemann also come to work with you from Professor Hirt's laboratory?

A Yes. Yes. These two ladies, Miss Schmidt and Miss Bennemann, had come from Professor Hirt.

Q What was their specific field of research? Were they specialists in some sort of particular problem that you had an interest in?

A No. They had no special research field at all. They were ordinary technical assistants as one needs them in every laboratory. I had a great lack of technical assistants. I only had one who was not very good, and I repeatedly asked Mr. Sievers to get me at least another two technical assistants since I could not make any progress in any other way. As a result, one day these two ladies arrived, Schmidt and Bennemann. They had no special knowledge of any kind but only knew about general technical matters as is demanded of a technical assistant.

Q Well, now, how far is it -- how long a ride is it from Strassburg to Dachau?

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A That all depends. It depends what time you are speaking of. It depends whether any air attacks were taking place or not. At any rate,

when I was in Strassburg at that time visiting Professor Hirt, there was an express train from Munich to Strassburg which was very fast. I am not sure whether it took eight or ten hours. At any rate, one could do it within one day. Later, however, that was no longer possible.

Q Well, these two assistants that you received from Professor Hirt, they later went back to Professor Hirt, didn't they?

A I don't know that at the moment. I think they stayed with me almost until the laboratory dissolved. I can't tell you that exactly. I think I can remember that at least one of these two young ladies left a little earlier than the other one in order to go to Tuebingen. Already in March or April I sent my female assistants home.

Q Well, now, they went to Tuebingen to the institute that Professor Hirt had set up there, didn't they?

A I don't know whether Professor Hirt had an institute at Tuebingen.

Q Now, Doctor, you stated that you knew that these experiments were to be conducted concerning sea water. Did you know that these experiments were to be conducted on the inmates of the Dachau concentration camp?

A No. I only learned that later.

Q Well, didn't you assume that they would be conducted on human beings?

A I thought that this regenerated sea water would be given to people to drink, but I didn't think of inmates. I really considered these experiments to be very harmless.

Q Well, then, didn't it strike you rather strange that they would be coming to Dachau to perform these experiments rather than doing it in Berlin?

A No. This didn't strike me as being peculiar at all. At the beginning I thought that I was to accommodate a few chemists temporarily who had been bombed out from somewhere, and that I was giving these people a temporary possibility to work and that they were later to

continue their work at another place. That was what I thought originally.

Q Did you know where Professor Beiglboeck came from?

A No. I hadn't known his name or where he came from.

Q He was a Vienna boy, wasn't he?

A I don't know that.

Q It is rather a substantial ride from Vienna to Dachau, isn't it?

A That is not too bad from Vienna to Munich. You can do that normally within one day or three quarters of a day. That is no affair at all.

Q Then you exclude the possibility that the purpose of bringing these men to Dachau to experiment with sea water was only because the subjects were available there?

A Well, after having heard that from this and that side, I naturally got to know what the connections were: but you were asking me whether from the very beginning I had known about it, and at that time I didn't. I hadn't known that Dr. Beiglboeck had come from Vienna; I didn't know what experiments one was concerned with. All I learned was that a number of chemists would come along to carry out chemical tests. I was asked whether it was possible for me to accommodate them for a short period of time. That was all I knew.

Q Well, now, you gave them a room in your institute, didn't you?

A Yes.

Q Did you ever see what happened to that room?

A Occasionally I passed the room and I saw that chemical experiments were carried out there. Dr. Schuster or Dr. Schumacher whom I mentioned before, and whose name I don't recollect exactly, — I found out that urinalyses were being carried out.

Q Now do you know Dr. Mrugowsky, SS-Standartenfuehrer Mrugowsky, who later became SS-Oberfuehrer? Do you know him?

A Yes, I made Dr. Mrugowsky's acquaintance. I saw him once, and that was in Berlin.

Q Do you remember when you met him in Berlin?

A Well, that is hard to say.

Q Would you say it was --

A I was in Berlin ver often.

Q Would you say it was in the year 1941? 1942?

A No. No. No. No. No. That must have been in 1944. The only year in question is 1944, but I don't know exactly when in 1944.

Q Let's have a look at a document, Doctor, which was presented here in evidence as Prosecution Exhibit No. 124 --

MR. HARDY: -- which Your Honor will find in Document Book No. 3, which is Document No. NO-647 and is on the last page of Document Book No. 3. Now this states: "Notice." The subject: "Cooperation with the Hygiene Institute of the Waffen-SS.

"With reference to my letter of 9 June 1942 regarding vermin control, a meeting took place on 21 October 1942 with the participation of SS-Standartenfuhrer Dr. Mrugowsky and SS-Untersturmfuhrer Dr. Schadlau, Keisbeck Strasse 43/44. Under discussion was the cooperation not only in the field of vermin control but also in the research sphere of Rascher, and with regard to the use of gastein water in cases of freezing as well as in various operational fields of the Hygiene Institute. As had already been laid down in the interview with SS-Untersturmfuhrer, Dr. Schadlau, on 6 November 1941, 'K' Enterprise: release of the archeologist Hunt.

"A further meeting took place then at the Hygiene Institute of the Waffen-SS on 20 November 1942 in which SS-Standartenfuhrer Dr. Mrugowsky, SS-Standartenfuhrer Sievers, and lecturer Dr. May, took part."

A Yes.

MR. HARDY: "Dr. May promised on that occasion to send in his research plan."

Q Do you remember that meeting, Doctor?

A Yes. I remember this meeting very well, only it is my opinion that it took place much later and not in the year of 1942. In effect there was a conference between Sievers, Mrugowsky, and me, at the Hygiene Institute of the Waffen-SS. My tasks were discussed at that time, that is, the combat against flies and against mosquitoes.

MR. HARDY: I have no further questions, Your Honor.

DR. WEISGERBER: Would you permit me to put one question to the witness, Mr. President:

BY DR. WEISGERBER:

Q In connection with the sea water experiment I should like to clarify the following point: When Sievers at that time told you that you would furnish a room at your institute temporarily, did you have the impression from Siever's remarks that he knew the details about the planned experiments?

A No; Sievers himself had no idea of these experiments.

Q When a little later chemical experiments were carried out at your institute, were they just analyses?

A Yes, pure analyses.

Q Inmates of the camps were not employed?

A No, of course not. There wasn't any space for that. There was no possibility for it. There were three or four gentlemen sitting at a table who were analyzing their substances.

DR. WEISGERBER: I have no further questions to the witness, Mr. President.

MR. HARDY: I have one question, Your Honors.

BY MR. HARDY:

Q You stated Dr. Sievers had no knowledge whatsoever of these sea water experiments. How do you know that?

A Otherwise, he probably would have told me what it was all about.

MR. HARDY: No further questions.

THE PRESIDENT: If there are no further question of the witness, counsel for the defense may proceed.

The witness will be excused from the stand.

DR. WEISGERBER: With the approval of the high Tribunal I should now like to call the witness, Dr. Franz Barkenau.

THE PRESIDENT: The Marshal will call the witness Dr. Franz Barkenau.

JUDGE SEBRING: You will please hold up your right hand and be sworn: Repeat after me:

I Swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

You may be seated.

DIRECT EXAMINATION

BY DR. WEISGERBER:

Q If you prefer to answer in the English language, please do so. Your name is Franz Borkenau?

A Yes.

Q You were born in Vienna on 15 December 1900?

A Yes.

Q And you now live at Marburg on the Lahn?

A Yes.

Q You hold a degree?

A Yes.

Q What degree?

A In philosophy.

Q Witness, you may give replies in English if you like. You are now a lecturer at the Marburg University?

A Yes.

Q Would you please describe your career very briefly?

A I was born in Vienna, and went to school there. Then I went to the University in Vienna and at Leipzig, and graduated at Leipzig. Then I lived in Berlin a few years, and accepted a research fellowship at Frankfurt University Institute of Social Research, which is now in New York, and while I had this fellowship I was working in Paris first and in Vienna then and then I was surprised by Hitler's advent to power in Vienna; so I just didn't go back; and I didn't spend a day in Nazi Germany or in any other country dominated by the Nazis.

I went to London in 1934 and lived there first as a free lance political writer, published a number of books on political and sociological subjects and from 1938 onwards I taught International Affairs as an adult education lecturer for London-Cambridge Universities at Steton. I took up war work in the proper sense in 1943. Only until then I was teaching international affairs. In 1943 I joined the BBC monitor service, and in 1944 I changed over to the American service of the OWI German policy department, and from there to the American broadcasting station in Europe as a German Editor. I was scheduled to go to Luxembourg at the end of 1944, and then that didn't come off owing to the Rundstedt offensive, so I only got to the continent at the end of July 1945 with the Allied Press Service at Luxembourg as an Allied employee accompanying the American forces. I might state that I was born in Austria and am stateless now, so I worked in Luxembourg first, still in American civilian uniform, and then went to Bad Nauheim where I helped build up the Press Agency Dana, for a time had under me Foreign Affairs in the Dana, and then on the suggestion of the American University Officer Dr. Hartshorne, I took up a lectureship in social science and history in Marburg which I hold at present. Of course, I had a sort of idea I would do that if possible when I left England and returned to the Continent.

Q Witness, the defendant Wolfram Sievers, whom I am representing here is relying on the fact in his defense that already prior to 1933 and then during the entire subsequent period of the national socialist regime he was a member of the resistance group headed by Dr. Hielscher. Now I have been attempting to give the High Tribunal the possibility to gain a picture of Dr. Hielscher's personality. Do you know Dr. Friedrich Hielscher?

A Yes.

Q When did you make his acquaintance?

A I met Dr. Hielscher first in the spring of 1928. I was then still a Communist. I left the Communist Party a year after and I was a Communist member of the Students' Representation at Berlin University. We had inter-party students' debates and I met Dr. Hielscher there as a speaker for the Right. Also we had a small sheet from our Communist Students' group, and there once, from reading Hielscher's "Vormarsch", we started debating briefs with him which led us to personal contact. That must have been, I should say, perhaps February or March 1928.

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Q. During the later period did you get into any close contact with Friedrich Hielscher?

A. I should say no. IN the year after I left Berlin. Although I left Berlin the year after and that, of course, limited my contact with Hielscher to the periods when I was in Berlin, but that was on very frequent visits, and before that, one year I was still living in Berlin, so all through that time I got into increasingly close contact with him. That, of course, was made still easier when I left the Communist Party and so I was no longer in the Party discipline and could say and talk what I liked and see whom I liked. So, all through that time, we talked at length about many subjects, politics and also non-political things, and I got increasingly interested in Hielscher because he was so utterly untypical, as a man coming from the right. First of all, he was just an interesting man, to chat with, but apart from that I started to wonder more and more and I found points where our opinions touched and perhaps even met, despite the fact that we had come from extremely opposite wings of the political rainbow.

MR. HARDY: Your Honor, this testimony of the witness thus far is merely covering the period from 1929 to 1933. The charges here in the indictment include the years from 1939 to 1935 in the first instance; and secondly,, I point to the objection by the prosecution to calling this witness. The Prosecution objected on the grounds that the witness is merely to testify as to the personality of Hielscher, and it appears that that is all he is going to do. If that is the case, I think this testimony is irrelevant here. If he is going to testify to the personality of the Defendant Sievers, he may continue, but this manner of examination I don't think is taking up the valuable time of the Tribunal correctly. Your Honor, I would further request that the Tribunal ask if this witness knows the Defendant Sievers.

DR. WEISGERBER: Mr. President, may I shortly define my attitude to that? When making my written application I already pointed out that Dr. Barkenau will be a witness for the resistance activity of Dr. Hielscher and will testify in that regard. I believe that the Tribunal

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two weeks ago when the prosecutor already raised objection against these witnesses, Dr. Berkenau and Dr. Topf, I had heard the same arguments as just now. At that time I defined my attitude and my attitude now is completely the same. If I am calling Dr. Hielscher as the principal witness for Dr. Sievers' activity in his resistance movement, I cannot expect the High Tribunal to have a complete picture about Dr. Hielscher's activity in Germany. Now, in order to enable the Tribunal to gain some picture about Dr. Hielscher, I called Dr. Berkenau and Dr. Topf as I already stated at an earlier date. I therefore ask that these two witnesses be approved, which has already happened, and you permit me to continue questioning these witnesses.

MR. HARDY: Your Honor, it was my understanding that the objection of the prosecution to the calling of these two witnesses was overruled on the grounds that it was the understanding of the Tribunal that their testimony would go over and beyond that of testifying as to the personality of Hielscher, and this man here is merely testifying as to the personality of Hielscher and the resistance movement and that is not an issue in this trial.

THE PRESIDENT: The Tribunal has assumed that the testimony of the witness heretofore was largely preliminary. The witness will be entitled to testify, within reasonable limit, to the fact that there was, at the time testified to by the Defendant Sievers, a genuine resistance movement in Germany, and testify to

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some extent concerning what that movement was and what it did and anything he knows if any thing, about the activities of the defendant Sievers. The objection to that will be overruled.

DR. WEISGERBER: , Mr. President, may I briefly add that the witness, Dr. Borkenau, as well as the witness, Dr. Topf, know as well as nothing about Dr. Sievers' activity within the framework of the resistance movement where Dr. Hielscher was active. But about Dr. Hielscher.

THE PRESIDENT: Very well, counsel. Very well, counsel. I wasn't sure whether the witness knew anything about that or not. The witness may testify as to the existence or non-existence of a genuine, bona fide resistance movement in Germany during the years testified to by the Defendant Sievers.

MR. HARDY: Your Honor, may I interpose a question here to defense counsel that, inasmuch as Dr. Topf, his next witness to be called, will testify substantially the same things as this witness is testifying to, the prosecution will be in a position to stipulate that if they submit an affidavit by the witness to be called, Topf, concerning the background and the history of the resistance movement, and inasmuch as Topf has no knowledge about the defendant Sievers, that we will stipulate that we will not wish to cross-examine Topf, if that be the case, and that will save considerable time, Your Honor.

THE PRESIDENT: Counsel would not be required to cross examine the witness if he didn't desire to do so.

At this time the Tribunal will be in recess until 9:30 tomorrow morning at which time counsel may proceed with the examination of the witness.

(A RECESS WAS TAKEN UNTIL 0930 HOURS, 15 APRIL 1947).

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Official transcript of the American Military
Tribunal in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany, on
15 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find
their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the
defendants are all present in the court.

THE MARSHAL: May it please your Honors, all defendants are
present in court with the exception of the defendant Rose who was
excused by the Tribunal yesterday.

THE PRESIDENT: The Secretary-General will note for the record
the presence of all the defendants in court save the Defendant Rose,
who is excused in order to spend the day consulting with his counsel.

The Tribunal desires to announce that when a recess is taken
tomorrow at 12:30 o'clock the Tribunal will not reconvene until
ten minutes after 10:00 o'clock on Thursday morning. There will be
no session of the Tribunal tomorrow afternoon.

Counsel may proceed.

DR. FRANZ BORKENAU - Resumed

DIRECT EXAMINATION (Continued)

BY DR. WEISGERBER (Counsel for the Defendant Sievers):

Witness, I remind you that you are still today under oath.
At the conclusion of yesterday afternoon's session you briefly told us
when you made Friedrich Hielscher's acquaintance and for what reasons
you established a close contact with him. My question is, did you
clearly realize Hielscher's attitude toward the National Socialism at
that time—that was around 1930?

A I don't think Hielscher at that time took the Nazis very seriously, as in fact few people did. I think he regarded Hitler as a mountebank, almost as a sort of a harlequin. His whole interest at that time was concentrated upon Italian Fascism, and that was just one of the reasons why I got so interested in him, that he was violently hostile to Italian Fascism in all its aspects. That, of course, was exceptional because practically everybody of the right had at least some mild sympathy for Mussolini, and Hielscher made definite an exception on all grounds. First of all, I must say he was very much opposed to big business and to large landed property, and he regarded Italian Fascism as an agent of these social forces. Also he was opposed to the whole atmosphere, to the whole spirit of the thing. I remember if I may just give one incident-I remember on the evening when the news came through of that miserable failure of that grandiloquent North Pole expedition of General Nobile, and I and one or two of my friends were sitting together with Hielscher and, I believe, one of his friends somewhere--perhaps a beer garden I don't remember exactly--they were just exalted about that failure and about the blow it was to Fascist prestige.

Well, from 1931 onwards Nazism of course started to become important, and we talked about it a few times--we met in 1931--and Hielscher was getting more and more bitter about the prospect of that sort of thing getting important in Germany. Now there is one talk, in fact, the last time we met--I met him again in 1945--the last time I met him before Hitler--they must have been the beginning of September 1932, perhaps it was the end of August: I was with my friend Loewental who is now at Reuter's. Incidentally, I should say one of the reasons why Hielscher could never have any truck with National Socialism was his definite friendliness with Jews. I myself am a case in point and so is Richard Loewental whom I just mentioned. And as far as I know that I know only indirectly--he had quite a close contact with Martin Buber, a well-known

15 March 47-M-FJC-1-S-Foster (Int., Rauler)
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Zionist philosopher. I could give a number of other instances about that if that should be necessary.

Well, to come back to that talk in 1932. It was just towards the end of the Papen regime, and we discussed of course the prospects of that. He being very definite that that thing could not stand, that that thing would not last, that it had no basis. I remember that we were very eager to get details about his views. He drew out of his cupboard a list of the members of the Harron club which was then the real power behind the scene. We saw that, and he said something like, "Well, now look at that crowd", and, "Do you think that can't last?" Now, starting from that assumption, he insisted that he was certain that in the very near future now National Socialism would win. That made a deep impression upon me because I had taken in a public debate which went through political periodicals and so on. I had taken a very definite stand on the opposite side.

I was still convinced at that time, in September 1932, that Nazism would not win, and at that time and in that talk we had a long argument about it. I don't remember the details. I suppose I said what I always said then, and I have already given his main argument; and then the talk turned to the methods to combat national socialism, and that point of the talk is the reason why I offered myself to Dr. Weisgerber as a witness, because in that part of our talk, then, Hielscher developed precisely the methods which were, as I understand it now, carried out by Sievers. Of course, we were all very interested in problems of underground work on the Left as much as on the Right, in view of the possibility of a coming dictatorship; and, in fact, there was at that time, and also later, a strong disagreement between my friend Loewenthal and myself; because I at that time was still believing in a sort of an idea of a mass underground resistance on quasi-democratic lines, even under a dictatorship; and the problem was whether that was possible, whether under a totalitarian regime of the Italian type, which then was the set pattern still, but, of course, under the assumption that a Nazi dictatorship in Germany would be even much more cruel and more thorough than Mussolini's Dictatorship, whether under such conditions, some kind of organized underground mass resistance would be the right principle, or whether for quite a long time the main task would be to work from within the core of the Nazi machine. I remember that discussion particularly well, as I say, because that really was not only an argument between Hielscher and us two boys from the Left, but because Loewenthal and myself had debated that point - I don't know how many times; and now suddenly Hielscher without knowing it, hit our problem directly, so we sat there, not saying much or really saying very little, because it was already an atmosphere where discussing underground techniques on a possibly near future - one wouldn't say more than was necessary, and also Hielscher did not mention any names. In fact if he had I think we should have

been done with him, because that would have shown an utter lack of seriousness, but he pointed out one thing to us, which was highly interesting then, just as a piece of information. He pointed out the extreme importance of the SS which was still a relatively small body, after all until the Roehm Putsch of 1934, rather the Roehm massacre, it was the SA which was the most interesting to the public; but Hielscher pointed out he had contacts - he proved to be well informed - he pointed out that the SA was not the important thing but that the SS was the real core, and in that connection he mentioned the importance of Himmler, who then probably, I don't remember, was known to me from an occasional notice in the papers, but certainly was not the personality he grew to be later. Now Hielscher developed a two-pronged idea: the only possible attack upon a compact totalitarian regime was working within the highest attainable stratum of that regime, and he predicted the core of it would be mainly the SS; and then he said quietly: "Well I am pushing as many people as I can as high up as possible in the SS machine." Of course, we didn't discuss the details. I only remember - skeptical as I was about the whole assumption of a Nazi victory - despite that skepticism, I remember my feeling of envy, thinking: "Well, of course, if we on the left had those contacts and could push people up that way, that would be a fine thing, but we haven't."

At the same time I kept my basic reserve on both points, the first on the question of a victory of Nazism and, second, on Hielscher's views about the impossibility of overthrowing such a regime by mass pressure. Now, when in January 1933, Hitler came to power, and the mass movement went amash, and within a year it was easy to see that most of these underground movements attempting to work among the masses also went amash - well, this would of course be a long story, describing all the accumulating evidence about the impossibility of developing any type of mass resistance to a regime of the Nazi type. Then, in retrospect, that talk with Hielscher

assumed quite different proportions in my mind.

Q Now during this very important conversation that you had with Hielscher, the details of which you so well remember, took place in the fall of 1932?

A It was my last holiday I spent in Berlin.

Q You were surprised at the very sharp attitude and the very precise method of combatting the danger as Hielscher described it to you?

A Well, if you mean by "Scharfe Einstellung" - "sharp attitude", Hielscher's hostility to Nazism, that did not surprise me at all, after knowing him four years, that was a matter of course, and that we shouldn't have talked confidentially with him if we hadn't been sure of that; but it made me think a lot at the time, and it impressed me deeply afterwards, that somebody had said with such perfect assurance what was going to come, what he was going to do, and made his measures well in advance; and I may add, that in the light of all disasters of various underground groups, which have cost the lives of several of my close friends, I grew increasingly impressed with that feat of conspiratorial technique, and conspiratorial technique assumes gigantic proportions in the fight against a dictatorship and pushes somewhat back proper political considerations in the democratic sense; and when I learned that practically not a man had been killed of that organization, I thought that was really the hundred per-cent maximum of what an underground organization could achieve. Now that, of course, I learned only when I returned to Germany, but I do trace it back - I do trace it back to this correct prognosis and timely preparation of measures.

Q Doctor, what did you find out about Hielscher and his activities during your voluntary emigration, which you began in 1933?

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A. I had of course contact with people who had stayed in Germany and then as underground workers, who could no longer continue, went out to London where I lived, in particular again. Dr. Lowental, who of course knew about Hielscher. And when he came out for the last time, I believe in 1935, I asked him, "So, what about Hielscher?" Of course, not only about him but about dozens of people, but also about Hielscher. "Oh, Hielscher continues not saying much about what he does but saying a lot of what he thinks of Hitler and the Nazis". Then, after the ropes tightened news ceased. Only during the War we had a false rumor that he had escaped to China, and that was the last. And I really thought either he was dead or he was in Chungking; except that after 20th July, after the attempt on Hitler's life, a few of us who knew him once asked, "Well, if he is alive he has certainly been in it." That, of course, was guess work. That was not based on any news. Until I met him again when I returned —

Q. Doctor, after you returned to Germany, did you find that your judgment, respectively views abroad, about Hielscher was confirmed in any way?

A. I met Hielscher again, or more exactly I ran into him in the office of the Dean of Philosophical Faculty at Marburg. He had thinned so much, he had physically decayed so that I didn't recognize him. Then when he happened to mention his name we nearly fell into each other's arms out of pleasure that we were still alive and from that time onwards, as we now both lived in Marburg, we had numerous and close contacts ranging over every imaginable subject. But, before I really decided to allow a personal intimacy to develop, though I really had little doubt in my mind about the man, I took references, and I found out that the man who knew the most was Professor Heiler in Marburg, theologian, and I really don't know whether the technical head but the leading man of the Una Sancta, evangelical church movement in Germany. And Heiler is a Christian

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pacifist and through the Confessional Church and through a Church paper he issued he carried out active resistance throughout the regime. Now Heiler had a long tale about Hielscher, and the two main points were that he, Heiler, had cooperated with Hielscher under the Nazis since Hielscher was in Marburg, that he had helped Hielscher to go to Sweden and take up contacts with the Allies, especially English contacts with Bishop of Chichester. That was one thing. So he just testified to the continued underground activities of Hielscher, and secondly, he told me about his arrest after 20th July and about Hielscher's repeated floggings which explained to me his really rather sad and frightening looks, and that, despite this repeated torture had not denounced anybody. Now, if I may say only one thing about Hielscher's development and his political opinions as I found them now: The point which created a continued sharp disagreement between us had disappeared, that was the question of the Prussian tradition. Hielscher who has had an education in a typical Prussian University fraternity was a very strong Prussian when we knew one another before Hitler. Under the experiences of Nazidom Hielscher has become an extreme Federalist of the Pan European version maintained that he sees no use for any kind of Germany as a whole in a wider European framework but that the individual regions and Landers of Germany should be directly integrated into some Pan European organization so that not only Prussia but also Germany as a State would be superfluous. That, of course, in his case is founded on very strong views about decentralization in general. He had always been an adversary of large towns and large industries. I don't follow him on that point and his view about political federalization hangs together - belongs to his views about industrial and demographic decentralization. At any rate the political disagreement which made us look at one another before Hitler as two fellows who could agree on many things but not on essentials, had

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partly vanished because he had learned under Nazism what Prussian traditions and authoritarianism meant in practice and in its effect.

Q. Doctor, after you returned to Germany you saw it confirmed that Hielscher had taken up the fight against the National Socialist regime until the very end without going into any compromise?

A. Yes, I have heard that.

Q. One final question. You got acquainted with Hielscher personally from the time before your immigration and from the time you returned to Germany. Is it now your opinion that this man, this fighter against National Socialism, would stand up for person of whom he is not convinced that he was waging that very fight with the same definite attitude and was his follower in this fight against the National Socialist's regime?

A. With respect to that may I say a word to what Hielscher told me about the death of his father, who was, according to what he told me, an old Silesian peasant, and who gave to his son as his dying wish, knowing about Hielscher's underground work, that he should kill as many Nazis as he could get. Also I know that Hielscher out of a feeling of shame of the ignominy which Hitler and Nazism have brought over Germany is filled with thirst, if I may say blood-thirsty, hatred of the Nazis, and the very idea that he could try to shield any of these boys would seem absurd to me from all I could gather over the now nineteen years of our acquaintance. Of course, there was -----

Q. Now, if Dr. Hielscher stands up for anyone person he would only choose somebody who has followed him in his fight with full faithfulness.

A. I am sure of that.

Q. Mr. President, I have no further questions.

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BY JUDGE SEBRING: .

Q Doctor, was this Hielscher Resistance Movement, about which you speak, merely a secret movement which confined itself only or largely to debate, to oral dissuasion, to perhaps secret dissemination of literature and arguments against the regime, or was it an actual physical, organized movement with leaders, arms, ammunition, and supplies prepared under an organized plan of attack to liquidate the Nazi leaders and to take over the Government?

A I was never a member of that organization, for reason of basic political differences if no other.

Q Can you say how many people were members of this Hielscher Resistance Movement?

A No. I couldn't. No such details were ever given in talks with outsiders, I am quite sure, I can answer one thing, they certainly didn't issue publications.

Q Even secret publications?

A That was just the point that those things could not reach anybody effectively and only help the Gestapo, to trace people

Q Can you say what happened to the Hielscher movement after Hitler came to power?

A Well if - may I just come back to your previous question which I haven't answer completely, if I may so concerning the question whether he had a strict organized group, I think his circle of friends was fairly compact before the Nazis and they developed together, and from all I could gather from his own details, from talks of a number of his friends whom I knew now, from Hieler's accounts, they had he, of course, was the man who ran the thing. He had a number of leaders and he had a strictly organized group. Also, I assume the problem of weapons did not arise when you were in the SS - access to weapons was not the problem, and it would have been for a group, from the left. That is was not a question of persuading people I am quite convinced, because on the contrary the difficulty was that you could only move more or less free

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among people who were persuaded and the task was not persuasion but action-overthrow of the regime.

Q And you say, however that you know nothing that was actually done in a physical way to overthrow the regime? You say however, that of your own knowledge you knew nothing that was actually done to overthrow the regime - I am talking about in a practical physical way either action or preparations, as distinguished from emotions, or feelings, or debates, or discussions about the matter?

A Here I can only answer from what I heard since my return but I do not base myself, on what Hielscher told me but on what Heiler told me who is a different opinion and he said, Hielscher had positively approached him directly on the question of killing Hitler.

Q Let us assume that a man who espoused the principles of this resistance movement could work himself into the high circles of the Nazi Government for the purpose, let us assume, of securing vital information. That information could be impart to the leaders of this so-called resistance movement that could be used by the resistance movement to practical advantage in actually, physically overthrowing and replacing its leaders?

A I think if such a man were sufficiently high in the ranks of the Nazi movement he could impart every kind of necessary information and nothing well timed and well conceived could be done with such information.

Q But the organization of the resistance movement, as you actually knew it from your own knowledge, let us assume, that there was within the high ranks of the Wehrmacht, the Government of the SS, a man who had accessibility to all information, what could this Hielscher Resistance Movement had done with it in using it to practical advantage in actually bringing about a reasonably quick liquidation of Nazi leaders or overthrow of the then-existing Nazi regime.

A Starting from the assumption that the immediate aim was killing Hitler...

Q Starting from the immediate assumption that the immediate aim was to overthrow the government and to replace the government with some type of government that the group felt was more acceptable for the German people.

A The first step of such an overthrow would be the killing of Himmler and Hitler. Then you would need a man, high up in the ranks, for information on the political and on the technical side. On the technical side you would have to have a man who really knew something about the movements of Himmler and Hitler, about the way they were protected, about the people who would have to be eliminated or who were to have been pushed into the presence of the men to have been killed; about potential friends and enemies of such an enterprise; and, I should say, almost even more important--killing is nothing if it is not politically well timed, and in order to time it well you had to have a clear idea of the whole political and military situation.

Q And also you have to be able, upon the death of the victim, to seize the reins of government and to establish a well organized government in accordance with your precepts and principles, is that not true?

A I think so...I think so. I think the question of the formation of a government, as far as I can gather now, after my return, was not the prime concern of Hiedelocher, because it was in different hands. There was the Goerdeler combination which had a government more or less ready but with which Hiedelocher disagreed because he was opposed to big business and large scale landed property and regarded that government as a government which would be largely dependent on these groups.

Q How long have you known the defendant Sievers?

A I did not know Sievers at all.

Q I see.

A Nor was any name mentioned to me except the name of Plaas, one of Hielcher's friends, whom I mentioned repeatedly together with him. As I said already, I should not have taken him seriously if he had divulged names and numbers.

Q Then you are not in a position to know, of your own knowledge, that Sievers was an active member of this resistance movement?

A No, I could not testify to that.

THE PRESIDENT: Have you any further questions, counsel? I am addressing counsel for Defendant Sievers.

DR. WEISGERBER: I have no further questions, Your Honor.

THE PRESIDENT: Are there any questions on the part of defense counsel of this witness? There being none, the Prosecution may cross-examine.

MR. HARDY: The Prosecution has no questions, Your Honor.

THE PRESIDENT: The witness may be excused from the stand.

(Witness Borkenau leaves the stand.)

DR. WEISGERBER: I now ask the High Tribunal to permit me to call the witness, Dr. Topf.

THE PRESIDENT: The Marshal will summon the witness Erwin Topf.

ERWIN TOPF, a witness, took the stand and testified as follows:

BY JUDGE SEERING:

You will raise your right hand and take the oath, repeating after me:

I swear by God, the Almighty and Omiscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may be seated.

DIRECT EXAMINATION

BY DR. WEISGERBER:

Q Witness, your name is Dr. Erwin Topf?

A Yes.

Q You were born 22 December 1898, at Hoiningen?

A Yes.

Q Your present residence is Hamburg-Volksdorf, and your profession is editor?

A Yes.

Q From 1926 to 1936 you were the editor of the Berliner Tageblatt?

A Yes.

Q For what reason did leave that newspaper?

A Work in the press aft or 1933 had become increasingly unpleasant from a subjective point of view did not bring me any gain. Every expression of free opinion and every possibility of voicing even an indirect critique was prevented to an increasing extent. It seemed senseless to remain in a position which, after 1933, was considered by me to be important and important for the future. In the case of the Berliner Tageblatt in particular the danger existed that this newspaper would be changed into a National Socialist sheet or that it would be stopped entirely. As a matter of fact, shortly after my departure, the chief editor, Paul Schaeffer, who employed me and who supported me in every way, was dismissed from his position and was later sent to America as a foreign correspondent. A year later the entire publication ceased.

Q Witness, may I ask you briefly about your political attitude? I mean the political attitude which you held before and after the year 1933?

A Well, during my time at the university I was influenced by Socialism and in the year of 1923, standing strongly under the impression of the murder of Rathenau, went over to the social democratic party. I had a few friends at Hamburg who persuaded me to do that. I will mention their names; they were Egon Wertheimer, Franzhofen who is now a resident of the United States, a professor there, Haubach, and Kierendorf also belonged to his circle. I did not come into the foreground in the Social Democratic Party but shortly before going to the Berliner Tageblatt, in the fall of 1925, for a few months I worked with the Reichstag fraction of the Social Democratic Party as a scientific assistant. Being a member of that party, caused no difficulty concerning my work in the Berliner Tageblatt....

Q Witness, I want to interrupt you. If you said "party" before you meant the Social Democratic Party?

A Yes, that is exactly what I meant. There were no difficulties for me to collaborate with the Weltbuehne.

Q Witness, when did you make Friedrich Hielscher's acquaintance?

A I met Hielscher in 1928, through the mediation of a friend, Dr. Salinger, who studied with me.

Q What did you get to know about his activity and his political attitude before and after the year of 1933?

A Before 1933 he had to be considered as a man of the political Rights. He constituted a particular type of the Rightist conservative attitude, which was completely new to us. He had certain socialist trends without bringing about a union between the Prussian system and Socialism as it was done in the sense of Oswald Spengler.

Q Witness, the Tribunal is mainly interested in knowing whether Hielscher at that time already had had an opposing attitude towards the NSDAP?

A During the first years of our acquaintanceship, the NSDAP played no particular role whatsoever. The NSDAP was considered as a harmless shoot of Fascism. I and my friends were interested in seeing Hielscher as a clear and definite opponent of Fascism. When Hitler and his party grew and gradually developed into a danger, it became very apparent that he was a very sharp and definite opponent of that movement. He rejected it very definitely but was also convinced about its danger, and at a very early time realized the dangers which it represented.

Q During the time after 1933 did you regularly meet Hielscher?

A If I remember correctly, Hielscher left Berlin shortly after 1933 and went to Meiningen, to my home town. I occasionally met him there occasionally whenever I visited my parents. At any rate I took every opportunity to speak to him and to exchange opinions with him. I estimated him and his judgment highly.

Q Wasn't there a very important conversation between you and Hielscher in the year of 1938?

A I really do not know to what you are referring.

Q Did not Hielscher at any time tell you that he had received a research assignment by the Ahnenorbe?

A Yes, he told me that. However, I do not believe that that was in the year 1938; as far as I remember, that only occurred after the outbreak of the war. I may be mistaken - I am not absolutely certain about the date. When I heard about that research assignment it represented a severe shock to me at first. I was convinced that everyone who was a definite opponent of the Hitler regime should keep away from any close contact with any of Hitler's organizations. During that conversation, however, Hielscher convinced me that he was maintaining his proper inner attitude and that it was only for reasons of expediency that he took over this research assignment, in order to continue his work in a camouflaged way and with the help of his political followers who were also in that organization.

Q Witness, did Hielscher make any utterances to you with reference to other resistance groups with which he collaborated?

A Well, we are now turning to a later period of time and are now referring to the years of the war, where I visited him at every opportunity in Berlin. During these conversations I found out that he had a very extensive knowledge of what was going on in the underground movement, which we did not designate that was at that time. Myself, Haubach, Micromdorf, not the circle of Reichwein, Heltke, York, Houschner, viz, the "Kreissauer" circle and that was spring 1941. Of course I did not tell Hielscher that I was in close contact with these people, because I was not authorized by my friends to discuss these matters with anyone else. But I concluded from conversations I had with Hielscher that he had an approximate knowledge of this group and that beyond that he must have had a very close contact with other circles which I then did not know about and of whose existence I only got to know after the 20th of July, when they were generally known.

Q Witness, you had mentioned the name of Kreissau circle before him, and in this connection you mentioned a number of names. These were personalities who played a considerable part in the resistance movement in Germany at that time?

A Yes. None of us know exactly how extensive really this resistance movement was. Every one of us knew very few persons. All of us realized that there must be a number of opponents of the National Socialist regime who were considering what was to be done and who were preparing some action, but one could realize the entire extent of this action at that time. If I may state my opinion I must say that it was only after the capitulation that I became acquainted that close friends of mine belonged to that group. A good friend of mine, by the name of Krennberger, at Munich, belonged to the Ministerialrat group at the Reich Ministry of Labor. Another friend of mine, Fritz Senger, who I met in Berlin, of the

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Frankfurter Zeitung and also belonged to the circle of Leuschner,
and beyond that was connected with the people of ...

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Q. Are you speaking about the same Kreisau circle?

A. No. there were further people involved. Yes, Goerdeler, Mayor of Leipzig, that was the person I was looking for. He was intended to be the leader of the WTB office at that time.

DR. WEISGERBER: And in that connection I may draw the attention of the Tribunal to the Document Sievers 15, which I have already submitted, where the most important members of the Kreisau circle are listed. This is Document Book 2, to be found on page 34. It is the second before the last page of that document book, where one can see the names, York, Moltke, Mierendorf, Haubach and Reichwein, which are mentioned by the witness.

Q. Now, witness, it is naturally very difficult for an outsider to gain a picture of this German Resistance Movement. One thing is noticeable, that an extraordinary reticence was maintained when voicing any names which belonged to that movement. Why was that? One could perhaps think that a conspiracy against the National Socialist regime would have to have been part of a broad basis, and that of necessity would have involved that everyone who was a member of that movement would at least know the names of a large number of other members of that movement; and my question is, why such a reticence was displayed, and secondly how were these individual groups organized within the entire Resistance movement of Germany?

A. The tactics employed was that everyone should know as few as possible members of that group by name. That really was a matter of course. There was great danger of anyone knowing too much. One had to consider that it may well have happened that any member would have been forced to testify before a national socialist agency - Gestapo. Everyone of us was well aware of the methods used during such interrogation. None of us could be sure of himself to the extent that when a coercion was used, or various chemical means were used such as the "truth" drug, of which existence I gained knowledge in

the Reichstag fire process, one could not be sure that at such a moment one would not break down physically and psychologically and testify to matters which would incriminate a number of people and cause their death. As for the second part of your question --

Q. In this connection I want to ask you another question. Is this also the reason why Hielscher mentioned no names towards you of the members of his resistance circle?

A. Certainly. It was a matter of course for me not to ask him for any names. Just as little as I asked Reichwein to give me any names. Perhaps I may mention an example, at that time he mentioned the name Stelzer, and the moment I heard Stelzer, whom I had already known for a long time, I said when he is with you I can work with you too.

Q. Witness, I have submitted a document to the Tribunal where the most important members of the group of Kreisau are mentioned, and the name of Theodor Stelzer is mentioned, who was Landrat of Schleswig-Holstein up until 1933; is that the same one?

A. Yes. He is at present president of the County of Schleswig-Holstein.

Q. Witness, in the course of your journalistic activity you gained knowledge of the activity of the various parties in Germany; wasn't it an absolute necessity, prerequisite, to keep the names of the party members secret in the case of associations who were in opposition to the prevailing system of government; very often only first names or nicknames were known?

A. That may be. I really didn't feel our activity as constituting a conspiracy, but I felt at that it was a natural thing for those people who opposed National Socialism to get together, who had decided to be against it at personal risk and to see to it that simultaneously with the collapse of the regime the war would end.

Q. Witness, do you know anything about Hielscher after the 20th of July 1944?

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A. When we heard the news of the event on the 21st of July in the morning I naturally had reason to feel that Hielscher would be incriminated in that connection. I endeavored to gain certainty about it, and I therefore wrote to his sister, who was married and residing at Frankfurt on the Main, and whose address I got from him when visiting him on an earlier date. I didn't get any news about that until shortly before Christmas 1944, and then I suddenly received a postal card from Hielscher where he wrote that he had embarked on a journey which had lasted three months, and that he had now returned. This made it clear to me without having arranged that as a code, that he had been under arrest for three months, and had now been released. I took the next opportunity to speak to him, which occurred around the middle of January when passing through Berlin, riding from the East Front to the Western Front. I had a long and very impressive conversation with him on which occasion he described to me how his arrest had come about after he had visited Stauffenberg at his flat in Bamberg. I also knew Stauffenberg beforehand. He related to me what methods were used when he was interrogated. There was physical mistreatment and his face was beaten. A strong moral pressure was exercised on him. He told me that he very soon realized that they didn't know very much about his activity, so that he once more gained courage to deny everything. He further said that his friends, who were within the party and SS organization, had sent him information into the prison which confirmed him in his attitude, and in his decision to deny everything.

DR. WEISGERBER: Mr. President, I would suggest you take a recess. I shall require approximately ten more minutes for questioning my witness.

THE PRESIDENT: Counsel, did I understand you to say that Document Sievers 51 had been offered in evidence?

DR. WEISGERBER: Document Sievers 52 I already submitted as Sievers Exhibit No. 15.

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THE PRESIDENT: I misunderstood you. I thought you referred to Document 51, which has not yet been offered in evidence. The Tribunal will recess for a few minutes.

(Thereupon a recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY DR. WEISGERBER:

A. Doctor, I have already asked you to give the Tribunal a brief sketch of what is meant by a "German Resistance Movement". Can you describe it in a few sentences?

A. A clear picture of the things which have been built up since the beginning of the war, and which finally led to the action of the 20th of July, cannot be gained yet even today here in Germany. I learned a great deal about the events from the book by Schlabrendorf. Everyone of us who was brought in by one of these groups or who had belonged to it from the beginning could have insight into only a very small sector. It was not a unified movement. It consisted of a number of people gathered around certain active personalities. It was nothing unusual, as happened in my case, for someone to stand at the point where two groups connected, Kiebscher on one side, and on the other side the men around Leuschner and Weichwein and the Freisau circle. All the methods resulted of necessity without a great deal of collaboration. They resulted from the fact that each of us was threatened by the Gestapo and the SD and that absolute secrecy was required.

I understood my duties within this movement, that I looked among my old friends for people who would be suited later after the fall of the Hitler Regime to take important positions, and, on the otherhand, when I met new people, perhaps in the Army, I considered whether they were suitable for later use in such positions. Since myself was a soldier in the East during most of this time, from the time when I learned about these matters until the 20th of July, I looked out for officers who were, first of all, competent people and, second, decided

opponents of the Regime.

2. When what is called the German Resistance Movement must not be imagined as a complete organization with a well-organized machine which coordinated all the details, and one must not imagine a movement which had large arsenals, secret arsenals, and one must not imagine a movement which distributed handbills among the population. The great danger which threatened the individual from the Gestapo and the SD made all of that impossible. The German Resistance Movement was rather a sum of small resistance groups which were only in loose contact with one another, and perhaps only the leaders knew each other, and they were known only within the circles. Is that true?

A Yes, that is true and I should especially like to emphasize there was not question of any mass propaganda because any attempt at mass propaganda would have immediately betrayed the secret. There was no possibility under the laws of War to appeal to the masses in any way. No organization over all these small groups, which would have organized them existed. There were simply a number of groups which somehow had contact in many cases only from the outside, not from the center. The hope of all these small groups was that at some central military point a power would be founded which would dispose of military forces at the decisive moment to be able to paralyze the SS.

Q Did Hielscher ever tell you that members of his circle prepared any attacks on Hitler or Himmler?

A Hielscher, at a time - it must have been between the fall of 1942. -- No, I am sorry I have to think for a minute -- the fall of 1942 and the fall of 1943 -- before Stalingrad -- reported that an attack was actually being prepared which was to be carried out by a group of officers, and he emphasized that Himmler and Hitler would have to be attacked at the same time, but that in his opinion it was even more important, if one had to choose between the two, to exterminate the man who was the executive, that is, Himmler. Because without Hitler Himmler would be quite capable of carrying on the regime but Hitler would not be able to continue without Himmler's executive power.

Q And did Hielscher tell you that within his circle such plans were being made?

A From what he told me I could not tell whether the specific group which was preparing these plans was under him or whether he had merely obtained knowledge of these plans through friends. I did not ask him this because it didn't seem expedient to me to know too much about a thing in which I could not participate directly.

Q As far as you know was there any definite list drawn up for the people to be appointed to the Government after the overthrow?

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Q As far as you know was there any definite list drawn up for the people to be appointed to the Government after the overthrow?

A At that time I did not know that anyone had prepared a prospective list of government officials. Later I learned that people in Goerdeler's groups had worked this matter out in particular detail; but from my own knowledge at that time I can only say that Dr. Hielscher once asked me how I felt about the question of who was to be appointed to the position of Reich Food and Agricultural Ministry. That was a question which interested me particularly because in my journalistic work I had dealt especially with agricultural matters, and I had written a book on the subject in the Rowohlt Publishing House which was banned in 1933. Hielscher asked me, "What do you think, a group is considering appointing Schlange-Schoeninger Minister for Food and Agriculture." That is not the right word - appoint - but we are considering him for the position. "Isn't that a wrong choice, isn't this man a representative of big agrarian interests, would he be able to work in our spirit?" And we discussed this question. I cannot recall discussing any other posts and who was to be appointed to them.

Q Is it odd if someone working in a subordinate position in some resistance group knew nothing about positions to be appointed to certain positions after the overthrow?

A It was a matter of course that the names of the conspirators and persons who might be called upon later were not mentioned. That was the practice in this work.

Q When if I may sum up, on the bases of observations stretching over about 17 years you are convinced that Hielscher was decidedly of the Nazi regime?

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Q. On the basis of your knowledge gained during all these years, your knowledge of Hielscher's personality, do you believe that he would help someone if he were not convinced that this person was absolutely opposed to National Socialism?

A. Yes, I know Hielscher and I believe I know him well. He would not take the part of any one of whose integrity he was not convinced, and the concept of integrity in his opinion includes a definite rejection of everything belonging to the Hitler regime. I might add that I remember a conversation when he told me that one of his former friends who was not in the closer circle of his group had told him that he had to make peace with National Socialism, and how indignant Hielscher was that some one became a desert, some one whom he had admired and respected, and this man had become an object of detestation because he said that one had to make peace with National Socialism.

DR. WEISGERBER: Mr. President, I have no further questions.

BY JUDGE SEBRING:

Q. Doctor, prior to the end of the war, did you know what the Ahnenerbe Society was?

A. I don't believe I understood the question completely. I heard "Did you know what the Ahnenerbe was before the end of the war?" Is that right?

Q. No, that is not right. Do you know what the Ahnenerbe Society was?

A. I heard of it perhaps in 1938 for the first time, and the only concept that I had of it was a central activity of the SS for scientific and intellectual matters, an attempt to monopolize such work for the SS. In my opinion, it corresponded with what the name says, primarily prehistoric research and the history of the German people, and that was more or less in accord with what Hielscher told me about the research assignment which had been given.

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Q. Do you know anything about a branch or institute within the Ahnenerbe which concerned itself with military scientific research?

A. No, I heard of that only when this trial had begun.

Q. You know nothing then about the facts which the prosecution insists existed in connection with that military scientific research institute? That is to say, that it was used for the purpose of medical experimentation upon non-German-national concentration camp inmates?

A. No, I learned of these things only when the trial had begun.

Q. I believe that during the course of your interrogation by Dr. Weisgerber you made some mention of the fact that the main point of the various resistance movements was to paralyze the SS and its functions. Did I understand you correctly?

A. The preparation for such an action was actually the central point on which everything depended to be able to overthrow the National Socialist regime.

Q. Why were these activities directed against the SS in particular?

A. The executive strength of the National Socialist regime rested essentially in the men of the SS who had the important key positions, who disposed of weapons. The SA was unimportant, especially during the war, and in the case of the Wehrmacht one could expect that large parts of it very quickly would be willing to cooperate.

Q. I have no further questions.

THE PRESIDENT: Any question of this witness on the part of any defense counsel? There being none, the prosecution may cross examine.

CROSS EXAMINATION

BY MR. HARDY:

Q. Witness, were you a member of the movement known as the

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Hielscher Movement?

A. The Movement was not known under that name. One can only subsequently speak about the existence of such a group. At the time I knew only that he had a circle of friends with whom he exchanged information and whom he was keeping ready for later use.

Q. No further questions, Your Honor.

THE PRESIDENT: Any further question by defense counsel?

The witness may be excused from the stand.

DR. WEISGERBER: Mr. President, before I call the witness Hielscher himself I should like to submit a few more documents to the Tribunal. These are documents which deal with Hielscher and his activity, and I consider it expedient at the present time to offer these documents.

THE PRESIDENT: I understood you to say that these are documents which deal with Hitler and his activities. Is that correct?

DR. WEISGERBER: Hielscher, the witness who is to be called - Hielscher.

I offer Document Sievers 32 as Sievers Exhibit 23 on page 80. This is document book 1 on page 80. This is a certificate of the Mayor of Marburg, where Hielscher lives. This is a brief comment on his resistance activity. I merely wish to point out that at the end of this statement there is a reference to Dr. Borkenau, the witness who was examined today, and Professor Friedrich Heiler whom Dr. Borkenau mentioned.

The next document which I offer is Sievers #33, as Sievers exhibit 24. It is on page 82 in Document Book 1. This is an affidavit by Theodor Steltzer now Prime Minister of the Land of Schleswig-Holstein. This is the same Theodor Steltzer whom the witness Dr. Topf mentioned. Steltzer who himself belonged to the Kreisau circle speaks about Hielscher's activity within the framework of the entire resistance movement.

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The next document which I wish to offer is Sievers 34 which becomes Exhibit 25. This is in Document Book 1, page 84 and 85. This is an affidavit by the attorney, Franz Liedig, concerning the activity of Friedrich Hielscher. This is the same Liedig who was mentioned in Sievers Exhibit # 12 which I already offered earlier who testified there about his contact with Sievers.

The next document is Sievers 36, which I offer as Exhibit Sievers 26. This is in Document Book 1, page 89. This is an affidavit of Dr. Lothar Mischke, about Hielscher's work in the resistance movement. The same subject is discussed in Document Sievers 37 which I offer as Sievers Exhibit 27. This is on page 89-90. Document 36 ... just a minute, excuse me Document Sievers 36 on page 89-90, that is Exhibit Sievers 26. The next document is Sievers 37 on pages 91 and 92 of Document Book I, which I offer as Exhibit 27.

Then I offer the affidavit of the university professor, Max Relfos, as Sievers Exhibit 28, Document 38. This also deals with Hielscher's work in the resistance movement.

As the last document in this connection I offer the affidavit of the university professor, Dr. Friedrich Heiler. This is Document No. 39, which I offer as Sievers Exhibit 29, Document Book I, page 98 and following. This is the same Dr. Friedrich Heiler whom the witness, Dr. Berkenau, mentioned repeatedly today.

I believe it will be unnecessary to read all these documents. I am convinced that the Tribunal will take notice of the contents.

And now, with the approval of the Tribunal, I want to call the witness, Friedrich Hielscher, to the stand.

THE PRESIDENT: The Marshal will summon the witness, Friedrich Hielscher.

FRIEDRICH HIELSCHER, a witness, took the stand and testified as follows:

BY JUDGE SEBRING:

The witness will raise his right hand and be sworn. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEDRING: You may be seated.

DIRECT EXAMINATION

BY DR. WEISGERBER:

Q. Witness, your name is Friedrich Hielscher?

A. Friedrich Hielscher.

Q. You were born on 31 May 1902 in Plauen, and you are now living in Marburg, that is right?

A. Yes.

Q. What is your profession?

A. I am a scholar.

Q. What subjects do you study?

A. History, philosophy, law, folklore.

Q. And since when have you taken an active part in politics?

A. Since 1927.

Q. Did you belong to a definite political ideology?

A. No. I had a group of students with whom I expounded my historical and philosophical theories and ideas.

Q. How did it happen that you became an opponent of the NSDAP so early?

A. From the information available to me I knew the personal inferiority of the National Socialist leaders. I could observe that they were constantly lying and that what they really wanted was undesirable.

Q. Did you believe, as early as 1928, that the NSDAP would come to power?

A. No, not in 1928. In 1930, after the first election battle at which the party was victorious, I considered it possible. In 1931 I considered it probable. In 1932 I felt that it was certain.

Q. Did you join any definite political party with the intention of combatting the NSDAP?

A. No. I considered it impossible for any of the 33 German parties, with their bureaucratic methods, to be able to prevent a fascist dictatorship, or if it had come into existence, to overthrow it.

Q. What methods did you think were the right ones?

A. The fascist dictatorship is a mass machine in a technical age. Therefore it seemed to us to be out of the question, when confronting such a mass body, to act openly. It seemed impossible to carry out propaganda publicly. We were convinced that the only thing possible was to form very small cadres which would not be recognizable to an outsider and which at the proper time could be employed for a coup d'etat, that is, for an armed overthrow.

Q. Then that was more or less the method of the Trojan Horse?

A. Yes.

Q. Were you, in your ideas and in your efforts to combat this movement, were you alone or did you have associates?

A. First a selected group of my students were willing to collaborate in this illegal work; second, I knew quite a number of personages of various political backgrounds with whom I agreed that this regime would not last.

Q. That was before 1933?

A. That was around 1933--1932/33.

Q. Now came the 30th of January 1933, the so-called seizure of power, and now your real work began. How and when did you apply your method of the Trojan Horse?

A. This group of my students, who were willing to collaborate, I made into an illegal organization, with dues,

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A. Yes.

Q. Were you, in your ideas and in your efforts to combat this movement, were you alone or did you have associates?

A. First a selected group of my students were willing to collaborate in this illegal work; second, I knew quite a number of personages of various political backgrounds with whom I agreed that this regime would not last.

Q. That was before 1933?

A. That was around 1933--1932/33.

Q. Now came the 30th of January 1933, the so-called seizure of power, and now your real work began. How and when did you apply your method of the Trojan Horse?

A. This group of my students, who were willing to collaborate, I made into an illegal organization, with dues,

secrecy, and other necessary conditions, and I apponited people who were willing and suitable to get into important party positions.

Q. When and how did you meet the Defendant, Wolfram Sievers?

A. As far as I can recall, I met Sievers about 1929, at one of my historical-philosophical lecture trips. He was a boy scout at that time. He spoke up during the discussion and we took a liking to each other.

Q. Did sievers show at that time that he was opposed to the NSDAP?

A. That was a matter of course with the people with whom I had anything to do at all.

Q. And did you consider him suitable to work in your circle?

A. Yes.

Q. In 1929 Sievers joined the SNDAP. Was that done with your knowledge?

A. Yes.

Q. Did you advise him to do so or how did it come about? There had to be some special reason, since you were both opponents of this political party.

A. That was the first time, aside from 1923, when the NSDAP was talked about, and it was useful to know what was going on in this growing machine -- were there any people of good will within the machine, what were the leaders doing, what plans were being made, what organization was being set up.

Q. Then first of all you wanted to find out what intentions the NSDAP had?

A. Yes, and specifically in the youth work, because that had to be the most important in the long-run.

Q. Now, in 1931 Sievers resigned from the NSDAP again; did he do that with your knowledge?

A. Yes.

Q. On your orders?

A. Yes, one might say. We discussed it, and I considered it the thing to do.

Q. Now, why should he suddenly leave the Party since he had been sent into the Party with the definite purpose of getting information?

A. He had found out what he was to find out, the nature and the make-up, especially of the youth organization. It was just as inferior as we had thought, and even at that time it was so corrupt that without any further plan -- and we had no plan at the time -- without any further plan it was not necessary to have him continue.

Q. Now, in the year 1933, and Sievers, as the Tribunal has already been told, again joined the NSDAP; was this also done on your behalf?

A. Yes, at that time we were already a thoroughly organized organization. We were already asking for volunteers, who were willing and who were capable of working up in the sense of the Trojan Horse. Sievers seemed suitable, and he was willing.

Q. Were you able to get him any position within the Party?

A. No, I was not able to help him to obtain any position, and in the second place I had no intention of telling the individual person whom I trusted, in detail, what they were to do.

Q. Then it was up to the skill of the individual to get into a position from which he would be able to carry out the assignment which you gave him?

A. Yes.

Q. And how did Sievers obtain this position?

A. He got into this with Hermann Wirth in the Ahnenerbe.

Q. Who was Hermann Wirth?

A. Hermann Wirth was a rather crazy student of pre-history,
who had excellent material and terrible concepts.

Q. Was Wirth already in contact with the Ahnenerbe at that time?

A. As far as I know he was one of the founders.

Q. Then as you say Sievers got in contact with Wirth, and through
Wirth he got into the Ahnenerbe?

A. Yes. He was there from 1935 on as Reich Business Manager.

Q. Now, did you give Sievers any specific assignment in the
spirit of your movement?

A. As soon as it was clear that there was a possibility of
exploiting Himmler's racial romancing and half education, the assign-
ment developed to gain Himmler's confidence with the aid of

the Ahnenerbe, and to get as close to him as possible. We, that is my group, were among the people who very early recognized the special personal danger of Himmler, and in the second place from the beginning we had been determined that one day we would have to overthrow the Party regime by force, and for that purpose one has to get as close as possible to the most dangerous man.

Q. And what were the duties which Sievers had about the time when he first belonged to the NSDAP, you said he was to get information about the intentions of the youth movement of the NSDAP?

A. This time, of course, he had to get as many details as he could from the office of the Reichsfuehrer-SS, and transmit them to us. He had to protect people. He had to build up camouflage positions. We had to help the other people and in turn to remain unrecognized.

Q. And how did Sievers carry out these duties?

A. Well, it will be best if I begin with myself. I myself was known and considered undesirable by the Party leadership.

Q. You mean the NSDAP?

A. Yes, yes, of course. The party leaders knew me and considered me undesirable. I had already been under arrest, and had had my house searched. I was watched by the Gestapo, and in order to build up my organization I needed to be able to travel anywhere without arousing suspicion. Consequently, Sievers gave me a fake research assignment, which was to study indo-Germanic culture, customs of the annual festivals.

Q. Sievers said during direct examination that he himself could not issue any research assignments; you said that you received a fake research assignment from him; wasn't this research assignment actually issued by the Curator, Professor Luest?

A. Yes. If things were going well, and Luest was in a good mood, or had been drinking with Sievers, it was possible to persuade him to do something, and so he succeeded in persuading Luest that I was efficient for this research assignment, and so I was given this assignment. And what concerned indo-Germanic customs could be found

anywhere. I was given a false pass as a section chief, though I was not a section chief, and was not a member of the SS nor the Ahnenerbe.

Q. And with this pass you were able easily to get visas to go abroad?

A. Not necessarily. I needed a little more for that purpose, but it was easier.

Q. Then the actual purpose of the assignment of this fake research assignment was that you, who were a suspect might appear in a more harmless light, and would be able to move rather freely and without supervision?

A. Yes.

Q. Now, did it become necessary for Sievers to protect you personally; I speak of this, since you said before that Sievers work — you wanted to explain first how he helped and

protected members of your organization, and first of all yourself.

A He protected me when on the 2d of September 1944 I was suspected of participating in the events of the 20th of July. I was arrested and was to be hanged. Sievers used his position with Himmler, risking his own life, because Obersturmbannfuhrer Neuhaus wanted to hang me, and was convinced that Sievers and I had been in conspiracy with Stauffenberg. Sievers, through his skill, managed to have me released for lack of evidence.

Q How long were you under arrest at that time?

A The 2d of September 1944 to the 19th of December, the same year.

Q Is it true that you were once in the next cell to the well-known Dr. Goerdeler?

A I cannot say. I was in the Lehrter Prison in Berlin. That is near the Lehrter Station. I had Cell No. 225.

DR. WEISGERBER: Mr. President, in this connection I offer from Document Book 2, Sievers Exhibit No. 49 -- beg pardon, Sievers Document No. 49, as Exhibit 30, Document Book 2, page 23-24, 25-26 in the English. This is a statement by Theodor Baensch about the incarceration of Dr. Hielscher after the 20th of July 1944. Baensch was a prisoner himself in the prison in Lehrterstrasse in Berlin, and he testified to the fact that Dr. Hielscher was also under arrest there.

THE PRESIDENT: The Tribunal will now be in recess until 1:30.

(Thereupon a recess was taken until 1:30 P.M.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 15 April 1947.)

THE MARSHAL: The Tribunal is again in session.

DR. FRIEDRICH HIELSCHER - Resumed

DIRECT EXAMINATION (Continued)

BY DR. WEISGERBER (Counsel for the Defendant Sievers):

Q Witness, it seems to me to be desirable for you to give to the Tribunal a very short description of the political phenomenon which we described as the German resistance movement. Could you clarify this phenomenon in a few short sentences?

A In order to understand it one has to imagine the situation in which everybody in the country found himself whenever he wanted to be active in any way. One has to imagine that parents couldn't speak to their children because the child did not know how to lie in such a manner that the attitude of the parents did not become apparent to their teachers. One must imagine that every neighbor was in a position to observe every errand, everyone who spoke out of place was sure to find an enemy who would denounce him. One must imagine that ever since 1939 we know that prisoners in order to make them testify were thrown into a bath of water with 80 degrees heat and the skin was peeled off their bodies. One must imagine that none of us could be sure that he would be able to keep quiet and what he would testify under torture, or under the pressure of any which was introduced to him. That is to say, it was quite out of the question to get together in large meetings. It was impossible to carry on any open propaganda. In Stockholm I was asked, "Why don't you speak publicly?" Well, it just wasn't possible, it was absurd. Only when one considers that situation one can imagine how one could work against the Party. There were little cells, very tiny groups, where the rank and file man didn't know what the other one was doing, where one group was not allowed to know what the other group was doing.

If one would be discovered it could betray the other. A system of buckheads was necessary, if one buckhead was full the other one had to be water-tight. And this is the only way in which it was possible for a few people, who know one another before 1933, to get together under every calculated circumstances. One always had to know under what pretext one had met and what one would say if somebody was suddenly to interrupt. How much could the wife know? What would the wife have to testify in case she was asked had she met a certain number of these men before? If so, how long had she known them? Under what position did she know them?

After leaving one would have to arrange what the subject of conversation had been. I think that this is a picture of the atmosphere in which we had to work. At the beginning of the Nazi regime a large part of the circles and groups upon which one relied were eliminated, they had been put into concentration camps, some of them had been killed, one didn't know how these people in the concentration camps were guarded, and it took years before one could once more establish who really was left, who kept quiet, and upon whom one could therefore rely. Only after years one could put his head out of one's camouflaged position, and could find out what one could do and how one could meet one's friends. The next difficulty was that none of the political groups could act unless there was a cooperation of parts of the Armed Forces. Hitler certainly wouldn't have left if one just talked to him, and upon that depended the slowness of the entire work.

Q. Now, I think it would be desirable that you describe to the Tribunal how you cooperated with circles that were of your opinion, how you established contact with them, and to what extent your collaboration was possible with other groups?

A. Our group maintain^{ed} contact and cooperated with Socialists; I mention Dr. Reichwein, Dr. Topf, who was here before, and Dr. Haubach. Then there was the young conservative group of Graf Friedrich von der Schulenburg, the Catholic circles around the Freiherr Friedrich von Luening, who was one of the most courageous and noble men I ever got to know. There was the group around August Wenig, the military group around Count Stauffenberg, and a number of clergymen.

Q. Was there cooperation between you and these groups which you just mentioned?

A. It would be best to describe how we actually met. I met Freiherr Luening and became acquainted with him in 1940 because he was the commander of a reserve battalion KR-9. He was supposed to help me to recruit a Jewish friend under a false name into this battalion. At that time I was currently active in the questions of what was to be done later, and in that connection I was in contact with August Wenig. It was in the Spring of 1940 when Luening told me, "You know Fritz Schulenburg!" I vaguely remembered having seen him in 1932, 1938. A few hours later August Wenig told me the same thing and both told me that Schulenburg would come at night when darkness had fallen. He told me, "You know who recommended me; well how do we kill the pig?" Thereupon I said, "That is a reasonable basis for conversation; how about the Generals?" Then opinions were exchanged as to what military opinions I saw, what military opinions he saw, and the next question was if the morale of the country was ripe enough. Schulenburg, as a vice president or whatever he was, could not travel around the country very easily, that is, apart from his official trips, while I was getting around the country, and the question came up, "What does the mass of the population think?"

That is just one example. I don't want to tell many such examples

and this is how conversations were carried out with a number of these people. Everyone exchanged information about their particular groups; nobody asked where that information came from, nobody mentioned any names, except when it was ascertained in the case of any such information that it must originate from that source. Then one communicated only by using a formula, very seldom was the real name used. Telephones had to be disconnected and it was necessary to look outside the window to ascertain if anyone was on the street. We found out through a member of our organization in what manner a hidden microphone could be built into the wall, the flat was search^{ed}/carefully, and this is the way we worked.

Q. What did Sievers do in order to further the activities of your organization?

A. For instance, he took care of supplying all information which was of importance. He told us what troops of the Waffen SS were in Germany during the war. He gave us fake official trips and he worked out a plan for an assassination, which was to be carried through by our group in case the generals plan did not come off. We all thought it was not safe to rely on the generals. In March of 1944 Werner Haftan told me by order of Stauffenberg; that one would have to take into account the fact that the generals would have to be moved into action by a certain assassination and everyone was to make his own preparations, in case he had any, in such a manner as if he was the only one active. That was the situation in March of 1944. We worked out a substantial plan to remove, if possible, Himmler and Hitler simultaneously, but in case of doubt Himmler himself. We were of a completely different opinion there than the other groups.

Q. What concrete preliminary work was done for the assassination in your group?

A. Sievers was the only one in our group who came into question regarding that assassination because he was the only one so close to Himmler. He was therefore assigned this task and we worked out this matter as far as the detailed plan was concerned; all that was necessary now was to press the button.

Q. And for what period of time was this assassination intended?

A. We started our preparations in the year of 1943 and at the earliest at the end of 1943 could we have started. Then we finally thought of the middle of 1944 because Schulenburg and Luening told me that the generals would be ready at around that period of time.

Q. Well, an assassination is a matter for quick decision. Is it not true, therefore, that all these long preparations are rather surprising that you are telling us about?

A. The following would have to be taken into consideration. Around Himmler and Hitler there was a strong guard, a strong ring of guards, through which none could get unless he was carefully searched and checked. Secondly, and that I already emphasized, one did not have to be quite sure that the generals would carry out that assassination but one had to be sure that a sufficient number of generals were ready to remove the N.S. system immediately after the assassination, for a elimination of just these two people themselves would have no political purpose whatsoever. We did not intend to carry out a Putsch but we intended to remove a political system, a political order, and for that reason we had to wait until the situation became right and the generals were ready.

Q. Now, the question crops up whether these plans for the assassination of Hitler and Himmler were only in your fantasy, or the fantasy of your collaborators, or was there any real basis or concrete preparation for such assassination?

A. I already said that the preparations had been worked out to the detailed technical point insofar as the assembly location, the shooting, etc. were concerned.

Q. And who would have assassinated Himmler and Hitler?

A. Sievers was to do that and a few young men belonging to my organization.

Q. And why was it in effect not carried out?

A. After the Stauffenberg assassination had failed, the Wehrmacht circles that came into question were eliminated by Himmler and therefore

it was no longer possible to remove that system. The only consequence of any attempted assassination would have been - since the foreign political situation would not have changed, the only consequence would have been here that the people would have said again, "This is the stab in the back for the victorious front-line."

Q What did Sievers do to further your activity in addition to what you have already said?

A He, for instance, supported my representative, Arnold Deutelmöser when he was put on the list of those who were to be removed under the pretext of the assassination which took place in Munich at the Bürgerbräue. He also protected Bomas who was working in the Netherlands. He protected Dr. Schuettelkopf whom we had sent into the RSHA and it was possible for him in turn to send me to Sweden. He saved Niels Bor, Professor Seyb of Oslo University, and he saved a number of Norwegian students, etc.

Q Do you know that Sievers informed you about Himmler's doubleplay in the case of the minister, Popitz, and that as a consequence he saved that entire group against measures by Himmler?

A Yes. The following thing happened. One day Sievers approached me and said that I had just heard Himmler say in a close circle how he ridiculed an attempt on the part of Popitz. He said that Minister Popitz with the mediation of the lawyer Lampe had approached Himmler and tried to persuade him to bring about a change of the National Socialist system, perhaps by removing Hitler. He said Himmler thought it was very funny that these men had so little sense as to think of him in that connection. Thank God one could enter negotiations with them because it was sure that nobody was behind these people in the country, but it did seem that these gentlemen had many foreign political relationships and it would be advisable to find out what in effect was behind it all, and it would, therefore, be advisable to enter into negotiations with them. We were quite

surprised about the naive attitude shown by Himmler, and I sent Deutelmoser to Reichwein with whom I knew he had connections with Popitz. In that way Popitz was warned. Reichwein was so surprised and hardly wanted to believe that situation.

I was asked to participate in a conference, and Reichwein after having convinced himself that all of this was true, promised to warn all of the gentlemen concerned in Berlin and then asked Deutelmoser, who was to go to Norway shortly thereafter to notify Reichwein's friend, Stelzer, the present Minister President of Schleswig-Holstein, in order to see that he, too, took the necessary precautionary measures. In this way we hoped that a number of these people had actually been saved. Popitz, however, himself was careless and was captured.

Q This conspiracy could not have been carried out unless you had the necessary financial means at your disposal. How did you get these means?

A Everyone of our people, be it man or woman, had agreed to give up ten percent of their monthly income for that legal work. Many gave a substantially larger sum.

Q How about Sievers?

A Sievers gave more than he had to.

Q Do you know the case of the three hundred Norwegian students who on the basis of Sievers' intervention were released from the concentration camp Buchenwald?

A Yes. Terboven, or some other official in Norway disliked some demonstration which occurred there, and as a result arrested three hundred students. Through some dark channels they were brought into the concentration

at Buchenwald. Sievers found out about that, and if I remember correctly, he was in a position to see to it that these students be released from the concentration camp using Himmler's Nordic ideas.

Q In that case you think that Sievers' activity was substantially important for your resistance movement?

A Yes. That was true of my organization, for he protected and covered me as its chief, and, secondly, as far as I know, he was the only man belonging to any resistance movement who went as close as he to the Reichsfuehrer-SS. If any other group would have brought any such information as he did, I would have noticed it that it could have only come from the same source.

Q Witness, I shall have a document handed to you which was submitted by the Prosecution. This is Document NO-975, Prosecution Exhibit 479. It is a letter sent by Sievers to Dr. Hirt. Would you please look at that letter?

A Yes.

Q This letter contains a tone of voice which seems to indicate that he tried to cover Dr. Hirt's activity. Dr. Hirt was working in the Anatomical Institute of the Strassburg University. I assume that for reasons which we shall mention later that you know Hirt's name. How do you explain that tone in this letter?

A I think that this is very proper and praiseworthy. I would have thought it very foolish of Sievers if he adopted any other tone in any of his official correspondence. It was his task to say "yes" but act in a negative way. There couldn't have appeared any pretense of any disapproval on his part. The more active one had to be in an anti-National Socialist way, the more he had to speak for National Socialism.

I shall now turn to another complex of questions. Sievers is indicted in this trial to have participated in a number of crimes. Did Sievers at any time tell you about the so-called research assignments of Dr. Rascher and Dr. Hirt, who was just mentioned? These were experiments carried out in the concentration camps.

.. Sievers, as far as I remember, came to me in the year 1942 and told me very excitedly that Himmler in his desire to extend the Ahnenerbe Society had embarked on the thought of placing experiments on human beings under the work of the Ahnenerbe Society. He said that he did not succeed in frustrating that. He said that he had no desire whatsoever to participate in these horrible acts and asked me what to do. At that time we considered this horrible situation very thoroughly and thought of what we could do. It was quite clear to us what the SS intended here, and it was questionable whether responsibility could be assumed for any such acts, whether it would be advisable to be the instrument of Himmler if he embarked on any such acts, measures where human beings were degraded to the level of insects.

The following considerations proved to be decisive for us: if Sievers would leave, not one person, not one object of these experiments would be saved. In case Sievers stayed there as a technical secretary, he could throw sand into that machinery and could, perhaps, be in a position to save somebody. In addition, the entire plan and the entire overthrow of the Party stood or fell with Sievers' staying at his post. The experiments on human beings were only part of this horrible Party system, and one had to concentrate on the decisive points in order to finally remove everything, and, as I have said before,

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there was no other way into the staff of the Reichsfuehrer-SS. We, therefore, summarized in case Sievers resigned & because of that case, it was sure that he would be eliminated and, probably that would also be true of all the people he had ever entrusted with a research assignment, and everything that we had done so far would be lost in case he left, and if anyone was to be saved at all, he could only be saved by Sievers remaining at his post.

Q. If I have understood you correctly, Sievers at first wanted to resign from his position as Reich business manager of the Ahnenerbe?

A. Yes, that is correct.

Q. Did Sievers approve of these arguments which you and your friends put forward in favor of his staying with the Reich Fuehrer SS as the Reich business manager of the Ahnenerbe? Did he do it immediately or only after trying to persuade him for some time?

A. This took a number of days, because Sievers, according to his nature, was softer than many of us and did not want to agree with us. We finally had to appeal to his sense of duty and persuade him that he had to do it and that was the only way out.

Q. Among other matters, it was considered that by SSievers remaining at his post, there would be a possibility of mitigating those horrible experiments.

A. The chance wasn't very great but we were convinced that this would be the only way possible, if at all. Then it could only be done in that manner. If I may say so, this was such a horrible situation that we always had to come back to it and we were damned lucky at least to have the hope to save a number of people. Other opponents of SS system have told me about similar dilemmas which were just as difficult, and where the alternative was yet more horrible, and where persons, according to my belief and knowledge, acted correctly, and if the Tribunal would permit me I could relate a few almost incredible situations which were even worse.

THE PRESIDENT: In what connection, witness, are these narrations, witness?

WITNESS: In the connection as to the question whether it was morally justifiable to arrive at the result of Sievers remaining at his post.

THE PRESIDENT: Such matters as that would not be material in this inquiry.

BY DR. WEISGERBER:

Q. Did Sievers report to you that it was possible for him to alleviate that situation at all.

A. Yes, I know of the following cases. He told me about high altitude experiments which he frustrated. He told about his sabotage of the low pressure chamber. He told about his interference in the malaria experiments; how he placed Ploetner against Schilling. He told me that he succeeded in getting a group of thirty inmates for experimental purposes from Dachau to some other place at Hodensee, and, furthermore, that he finally succeeded in subordinating these experimental series simultaneously to the Reich Research Council, so that the additional amount of paper and red tape which resulted in delays to a considerable extent.

Q. Is it correct Sievers made it possible for you to go to the ghetto at Litzmannstadt and save persons there?

A. That is correct. At that time I went there in order to save the parents of a Jewish lady from being gassed, a lady whom I could get to Stockholm with the help of Sievers. I was unfortunately too late in the case of the parents.

Q. Hence it is beyond all doubt for you that Sievers rejected the participation in those experiments which were ordered by Himmler?

A. Yes.

Q. For you there is neither any doubt that the entire activity of Sievers from 1933 up to 1945, no matter with what situation he came in contact, was only moved and dictated by his opposition to the national socialist regime.

A. That is beyond any doubt.

DR. WEISGERBER: Mr. President: I have no further questions of this witness.

THE PRESIDENT: Are there any further questions of this witness by the defense counsel?

DR. SEIBAUER (Counsel for the defendant, Professor Beiglboeck):

A. Witness, I am an Austrian, and I, therefore, do not like to interfere in German matters. I am only putting these questions because it is my duty to do so as defense counsel. Do you remember that the first German woman who was sent to America after the war, and that was Frau Dr. Strecker, was severely attacked for saying there was no German resistance movement?

A. Yes.

Q. Do you know that she defended herself against that accusation and she said that by saying that she only wanted to express that every fight against this powerful Nazi system was almost without any hope?

A. Yes, I know that.

Q. You have already indicated that the resistance work was made difficult by the enormous Gestapo organization, SD, and you could have added the Peoples' Court, and the Concentration Camps. My question is: In addition to that police pressure, wasn't there yet another pressure, a psychological pressure, which differed itself in the case of a German resistance movement, as compared to the French resistance movement. In order to understand me I want to tell you that a man named Gosavius appeared here as a witness against Goering et al, who was a man of the resistance movement, and also a leader in the Gestapo. This was called the Gosavius complex. My question is: Considering the enormous pressure of Himmler's police machine, was there yet an added psychological pressure, that one would oppose the Fatherland when opposing this enormous might?

A. In this case one has to differentiate. There were a large number of people who from the very beginning, felt that the entire national socialist regime was an alien body that had come up and with it's elimination one would do great service to one's country. In other words, there were many people in the resistance movement, who from the very beginning, just as in the case of the Frenchmen, Dutchmen and Norwegians, considered this national socialist group as an alien body

and which was something like a black plague. On the other hand, I agree with you that all of these people who had no proper judgment about national socialism from the very beginning, were inclined at first and moved by a political naive feeling, as it is so frequent in this country, to consider this regime as German.

Q. Now, let's revert to this trial. Do you believe, witness, that if any subordinate officer had received an order behind which Himmler personally was standing, that he could fail to obey this order easily?

A. It depends on what an order is. It depends to what extent he had the possibility to say yes and act no.

Q. Well, I shall ask you a more specific question. Do you believe that if this man concerned had failed to obey that order to carry out experiments on human beings, about which he already had convinced himself that they would not constitute a danger to the human being, don't you think he would have been placed immediately before a military court?

A. Naturally, a refusal to obey an order was suicide. That is clear. It only depends on whether there was a possibility to prevent the execution of that order in any way.

DR. STEINBAUER: Thank you. I have no further questions.

THE PRESIDENT: Are there any further questions of the witness by defense counsel?

There being none, the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. HARDY:

Q. Witness, you have stated here in direct examination that it was you who influenced Sievers to join the Nazi Party, is that right?

A. Yes.

Q. You have stated that it was you who influenced Sievers to become a member of the Ahnenerbe Society, is that correct?

A. If you ask about the responsibility, yes. As far as the technical details are concerned, no. I had left Sievers a free hand as to how he wanted to work. When he said, "This is a good position," he took it, and I said he did the right thing.

Q. Now, what information did Sievers gather to further your purpose?

A. I said before that, for example, he told me what Himmler reported about Popitz. I said that he currently kept me and all the other resistance groups informed of the strength of the Waffen-SS within Germany. I said that he reported whenever Himmler made an attempt to pursue some particular political tendency. For instance, the fight against other party groups, Rosenberg for instance, could be exploited, etc.

Q. Well, now, were troop movements, number of men in the Waffen-SS capable of fighting for the Nazi purpose, matters which concerned the Ahnenerbe Society?

A. No. As far as I knew, Sievers knew through certain requests for newspapers or propaganda or delivery of some sort of document, or something regarding that, or Christmas celebration, or for the Party celebration, that he could suggest certain figures from the Waffen-SS to find out how many pamphlets, etc. the Ahnenerbe had to distribute. I have no idea.

Q. Did you ever hear of an order put out by the Fuehrer concerning secrecy wherein no man could divulge what information he had obtained in his particular position to another man, regardless of his rank? Did you ever hear of that order - the Fuehrer's order regarding secrecy?

A. Yes, of course.

Q. Then a man who was the Reich manager of a cultural society would be able to receive information of a secret nature from another member of the SS despite this secrecy order of the Fuehrer?

A. One has to make a distinction there. I have already said that he got these figures indirectly. He simply said, "I have to know how many copies of such and such a thing I have to deliver for the Waffen-SS." He concluded the approximate strength of the SS, other information from the Wehrmacht which had espionage through Canaris could be used to check it, and afterwards had confidence in the figures and used them. And, because you asked the question, it was spoken differently in the group around Himmler in Himmler's presence and thank goodness there was a lot of drinking there and one could get information.

Q. Well, now after you received this information, Mr. Hielscher, what did you do with it?

A. Since I regularly saw the leaders or important members of other resistance groups, I exchanged this information with them because these other people also got certain information. We could exchange what they found out with what we got so there was a constant stream of information, intelligence, political secret data within our field.

Q. Now, would you kindly give me the names and addresses of the contacts that your resistance movement had with people in France, England, United States, and Russia.

A. It was probably not quite correct procedure that we did not before 1933 think of establishing such contacts abroad. If the Nazis should come back again, I knew that I have to establish contacts before hand. Unfortunately we did not do so before 1933 and after 1933 it was too late. But with the help of Sievers and Schuettekopf I made an attempt and I got to Sweden at least. I can mention Dr. Bomas, who was a Dutchman, and as far as I am informed I believe there is an affidavit on the subject. There were more people with him.

Q. Now, when did you first hear of the experiments on human beings in the concentration camps?

A. 1942, if I remember correctly.

Q. Well, now, did you understand from Sievers that --. You heard about it from Sievers, I presume?

A. Yes.

Q. Did you understand from Sievers that subjects to be used in the course of these experiments were inmates in concentration camps but that said inmates had volunteered to be used for the experiments?

A. Yes. Of course, they were called volunteers. Of course, that was part of the lying system. Since we knew the system and since we knew the concentration camps, it was a matter, of course, if we go and say you will either be gassed or volunteer. Of course, persons volunteered. That was actually no free will for anyone who knew concentration camps.

BY JUDGE SEBRING:

Q. Doctor, did you understand that these volunteers were all German nationals who were professional criminals who had been sentenced to death with the understanding that if they survived the experiments they would be granted leniency or did you understand something else about the matter?

A. I don't know what you mean by understand. There was an order which Sievers told me about that they were supposed to be criminals and people condemned to death. On the other hand, we knew the "avalanche" reaction. We knew that Himmler liked political people to disappear and that if the order read differently there was still the danger, the great probability, that the people in charge of the concentration camps who had something to do with the experiments would use political people aimlessly or even intentionally. This was very probable; besides, our group was convinced anyhow that even in the case of people condemned to death for crimes, it does not correspond to dignity of human beings to be used formally as a volunteer but really under compulsion as guinea pigs.

Q. Well, then you considered any experimentation upon human beings incarcerated in concentration camps a criminal act?

A. We were convinced that this was in principle criminal action.

Q. Well, now, Sievers, as you say, first told you of these experi-

nents in 1942, is that right?

A. Yes.

Q. Never told you about any negotiations for experimentation in the year 1938?

A. No. I do not remember any such thing.

Q. In the year 1939?

A. I should like to ask you something. Do you mean negotiations which lead to experiments or any discussions?

Q. Let's say, further experiments, but these experiments took place in 1939. Did you ever hear of any?

A. That experiments took place in 1939 that Sievers told me, I don't know.

Q. Never heard of him having anything to do with experiments in 1940?

A. No.

Q. 1941?

A. No.

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Q. And you confirm that the first time he told you about experiments was in the year 1942?

A. Not exactly the month, but I can say approximately 1942.

Q. Now, you have told this Tribunal that you had agreed among your colleagues prior to 1933 that the Nazis could not be allowed to continue any longer. What were you doing between 1933 and 1945?

A. An agreement between my friends and myself that the Nazis had to be removed existed since 1933. In 1943 - but my group....

Q. (Interrupting) I said 1933. 1933 is the date I stated.

A. Oh, I beg your pardon, I understood 1943.

Q. How many guns did you purchase in 1933 in this resistance movement?

A. I might say, unfortunately, that the question rather by-passes the real methods of resistance. In the year 1933, when nine-tenths of the population considered this swindler a decent German, we would not shoot him, although, technically, that would, of course, have been possible at that time. We would not have succeeded in destroying the National Socialist system which did not consist of him alone, but of a whole group. We would not have changed the political situation. We were not a Putsch society that wanted to shoot him.

Q. Well then, your major interest was ridding yourselves of the two leaders, the big leaders, that is, Himmler and Hitler. Is that correct?

A. Yes. If you shoot at a whole group of birds one doesn't hit any of them. You have to shoot at an individual.

Q. I see. Then your major interest was in getting rid of Himmler and Hitler and let the rest of the Nazis continue?

A. The other way around. Repeatedly, since 1940, we waited because it would have been possible to kill Himmler and Hitler or one of them, but it was necessary, at the same time, to have a

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large enough part of the armed forces on our side so that immediately after the assassination we could eradicate the whole system. Otherwise, we would not have needed to wait. That is what I said before.

Q. Well now, how close actually was Sievers to Himmler?

A. I have already said - Reich business manager of the Ahnenerbe and a member of the Circle of Friends.

Q. He was a member of the Circle of Friends, was he not?

A. Yes.

Q. Sievers quite frequently talks with Himmler only in Himmler's presence. That is, no other people there. Isn't that right?

A. I don't understand. I just heard the English.

Q. Himmler and Sievers quite frequently talked alone, did they not?

A. I really don't know, but I assume so. I really don't know. I wasn't there.

Q. How many times have you seen Heinrich Himmler?

A. Not at all.

Q. Did you ever see him passing by in a parade or any such things as that? He would be very careful not to be out in public. One had to say "Heil Hitler" often enough not to go out of one's way to look for the occasion.

Q. Wasn't Sievers actually physically larger than Himmler?

A. Bigger man? More robust than Himmler?

A. I don't know. I never thought about that.

Q. Well then, why didn't you think about that and instruct Sievers to do away with Himmler when he had one of these meetings with him alone. Ample opportunity to accomplish your objective without going up to kill a whiteheaded hawk in some mountain.

A. The practical question was this. If some one met Himmler

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and had weapons with him that was very noticeable, if one were just going to a conference, and in the second place, it wouldn't do any more than if one of the generals who was willing - for example, Witzleben since 1938 - would suddenly draw out his pistol. I should repeatedly like to emphasize that that would merely be an assassination. The decisive thing which was so terrible for all of us - we had to see to it that the system as a whole was destroyed.

Q. Well then, you would say that the July 20th plot was poor strategy? That was an obvious assassination. That was poor strategy in your way of thinking?

A. You have to make a distinction between strategy and tactics. I am convinced that the political preparation was good as far as I know. In the second place I am convinced, from all the information which I got in personal conversation, that the preparation for the military action after the execution of the assassination proper - after the coup d'etat proper - was also well prepared. The generals had been learning that for centuries, they knew how to do that, but what they did not know how to do was the technique of the coup d'etat itself because the regulations of 1780 didn't contain that. The technique of the coup d'etat itself, they did not know how to do that. They had never studied it. That was the unfortunate thing. I repeat - politically, good; for later strategic execution good; for the technique of the coup d'etat proper, that was bad.

Q. And now, what did Sievers ever tell you about the Sievers-Hirt skeleton collection? Did he ever tell you about that?

A. Yes, he told me that Himmler had ordered, as far as I know, they were Jewish commissars who were under this terrible execution order which was valid in the East - that some of them were to be selected and used for the skeleton collection. The order was from Himmler as Sievers reported to me.

Q. And did you know what they were going to do with these people?

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A. Yes, it was the same as in the experiments. There a danger of death was a possibility, here it was certain.

Q. You knew, of course, that they were going to stand these people up, pick them out, select them according to size, take their anatomical measurements, then ship them to Natzweiler and at Natzweiler kill them, then deflesh them, then send the skeletons to the Strasbourg University for collection? And you knew that?

A. Yes.

Q. A fine thing for a resistance man to be involved in, isn't it?

A. The situation, as I have said repeatedly, was as follows: We made no distinction in the real evaluation of the skeleton collection and other experiments in which there was this so-called "volunteering" and in which the result was the same -- in our eyes, they were the same thing. I should like to emphasize one more thing. Does one have the moral right to tolerate a lesser evil in order to prevent a greater evil?

Q. Just a moment. Now in connection with the skeleton collection, do you further know that they dispensed with the idea of taking Jewish commissars but selected Jewish inmates of concentration camps?

A. Yes, what particular persons were selected I do not know, of course, but I knew that a number of Jews were to be gassed and were selected for this anthropological collection. That was the same case as on the Ghetto of Litzmannstadt.

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the Jewish commander of the Ghetto told me, that was Lieutenant Rosenblatt-after he had gained confidence in me because I had gone in with a false pass - he told me personally" I was picked out by the SS. When of new group of Jews comes into this Ghetto Litzmannstadt and crowd the Ghetto I am not to select exactly the same number of Jews, and I knew that they would be gassed. That is I was selected by the SS, to determine who was to be gassed. Now, I ask you in the name of God, Mr. Hilscher, you are a Christian, what am I to do? I had nothing to do with that. I have asked the Rabbis. I have asked the old people themselves and we have come to the decision that I must stay in this office. At least I can determine the persons - I can at least select the oldest people who can't stand life in a Ghetto and perhaps, in this way, perhaps I will be able to save the life of one person. These two old people that I tell about, were about seventy years old. There were five Christians under the Jews. At least I was able to see that they were all gassed together. They asked me to, please tell their daughter we were able to achieve that. Tell me, did I do right or not?" That is even much horrible because the man could not even reduce the number - we had no hope as we had to suppress some of them. Nevertheless I was ashamed that the people who were in charge of this camp were called Germans. But I said: "You have acted right and you are justified in the eyes of God."

Q Now, Dr. I assume that the defense counsel has shown you all the documents concerning the skeleton collection. Is that right?

A Yes.

Q There won't be any need for me to go over them. You have stated in connection with the one document that was presented to you today on the stand that this was a very praiseworthy act on the part of Sievers in a negative way. Since you are familiar with all the skeleton collection documents - I had intended to go into each one but I will just go into one. That is, Document No-088, prosecution Exhibit 182, found in Document Book 9. This is a document which was written by Sievers. You will see that thereon his signature appears

Q Yes, but from this letter does it not suggest that he was willing to allow an innocent Frenchman to answer for the crime which flowed out of this skeleton collection activity?

A If you show me....

Q I have asked you--does it not appear from this letter, this letter signed by Sievers, that he was willing to allow a Frenchman to suffer for the crimes committed during the course of the collection of these skeletons?

A Yes, the letter quite deliberately, I believe, creates this impression. That was the purpose of it, like all such letters.

MR. HARDY: I have no further questions, Your Honor.

JUDGE SEERING: Doctor, the Tribunal would like to ask you a few questions, please.

BY JUDGE SEERING:

Q To what extent was the fact of the existence of concentration camps in Germany known to the people of Germany?

A The existence of concentration camps, that is the fact that there were any?

Q The fact that there were concentration camps in Germany--was that known to anyone?

A In my opinion that was everywhere known since 1933.

Q You think then.... Was it known to you since 1933?

A The fact that there were concentration camps, that was general knowledge in my opinion.

Q Was it actually known to you that there were concentration camps in Germany?

A Yes. Not only that, but what happened in them, because since 1933 I had had opportunity to talk to people who had been in concentration camps, and in one case I succeeded in getting someone out; interestingly enough, I got a very frightened and very short report from this person.

Q From your knowledge of the situation, how many concentration

camps would you say there were in Germany during the year 1939?

A Up to 1939 the number of concentration camps which I knew about was 5, 6, perhaps 7, no more.

Q What would you say about the year 1940?

A The number of concentration camps increased rapidly with the beginning of the war. First, because the NSDAP or rather the SS, began to send foreigners to these concentration camps in larger numbers; and secondly because the number of Germans who were arrested because they were opposed to the war were also added.

Q Well, can you estimate how many were here in 1940?

A No, I do not know any figures. The number increased considerably, however.

Q What about 1941?

A I can only say that I did not trouble about these figures specifically. That was outside the range of what was needed, practically.

Q 1942?

A I can only repeat, I do not know any figures.

Q 1943?

A I can only repeat the same answer.

Q 1944?

A I can only repeat the same answer.

Q 1945?

A The real number of concentration camps I learned from the publications of the Allies.

Q These may seem odd questions to you, doctor, but there has been testimony from this witness stand that you now occupy, from certain witnesses who have taken the stand, which would tend to lead the Tribunal to believe that during all of this period of time the existence of concentration camps in Germany, in any considerable numbers, was a fact not known to the German people and was a fact not known to people within the middle and higher levels of the Nazi government and the Nazi military machine. That is the reason that the Court has addressed that question

to you.

A I can only say the following. In my opinion the existence of several--to speak very carefully--several concentration camps, was generally known to the German population. The fact that these concentration camps increased suddenly after the outbreak of war was not so generally known. It might be assumed, if I think of conversations with harmless citizens or National Socialists in railroad trains, they perhaps assumed that the concentration camps increased, but there was no idea of the numbers. But the fact that they did exist and that there were several and that there were thousands of people in them, I consider that common knowledge of the whole population. But nobody knew what was actually happening there.

Q Now you said something a moment ago to the effect that you not only knew of the existence of concentration camps but you knew of the activities which went on in concentration camps. Did I understand you correctly?

A Yes.

Q Over what period of time have those activities become known to you?

A It began with two pieces of information in 1933 which were the first of this kind and which therefore impressed themselves on my memory. I heard the first thing from Socialist friends in the very beginning. I heard that people were put into bathtubs with water of 80 degrees centigrade and that their skin was then peeled off while they were living. At about the same time I received information from my friend, Karl August Witvogel, who, through my intervention, had been released from a concentration camp in northwestern Germany. What shocked me most was the fact that this man, who did not agree with me politically but who had personal confidence in me, and who knew from his wife that I had been instrumental in having him released--that this man was extremely worried and afraid to tell me any details although I was a friend of his. He finally gave me hints about flogging and other kinds of punishment; and

from then on I received information constantly.

Q What type of prisoner was this man, a criminal or a political prisoner?

A This man was a political prisoner.

Q A German political prisoner?

A A German political prisoner.

Q Now can you say to what extent these activities were generally known among the German people?

A I can say that these actions--what actually happened in concentration camps--to our astonishment, in view of the large number of people who went through the concentration camps, were actually unknown among the German populations. That was true up to 1943. I recall long conversations with Schulenburg and Reichwein, where it was repeatedly said - "It is terrible we cannot tell the people about these things. As soon as you open your mouth you disappear yourself and nothing gets talked around."

Q Well, would these activities be the sort of things that could be carried on as a matter of course in concentration camps without high level officials in the SS or in the government having to have some knowledge of these activities?

A In my opinion, people of the rank of Ribbentrop, to give an example, or Kaltenbrunner, even before they gained this or that position, they must have known exactly what was going on. But I do not know about this, insofar as our group, as well as the others who had been seriously thinking of an armed uprising since 1933, had to be very careful in contact with circles who were either convinced Nazis or, in the unfortunately still more customary way, were without any convictions. Any work could be suicide. And so I am not informed.

Q To what extent, if any, was the fact that concentration camp inmates were being used for human medical experiments generally known to the German people?

A Among the German people I personally heard nothing about it; that is, on my many trips and many talks I heard nothing about it. I do not

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imagine that many people knew about it.

Q. And I understood you to say that the defendant Sievers told you something about these things; during the course of any of his conversations did he name anyone who was associated in any of these experiments, did he give you the names of anyone?

A. Yes, the first one that he gave me, and this is how our conversation started, if I remember, he gave me the name of Dr. Rascher, as the real director. He said he was a most particularly unpleasant creature.

Q. I think you said that the volunteering among concentration camp inmates for these experiments was always, in your opinion, under compulsion; that though it appeared upon the surface that an experimental subject was a volunteer; yet if the fact were known he was in truth and in fact acting under compulsion; is that what you said?

A. What I meant was the following: It was said formally every inmate volunteered for such experiments; if someone did not volunteer he suffered from it, but if he did volunteer he was promised advantages. Now, the important thing was the following: Every man who was in a concentration camp knew the system; that is, he expected that sooner or later he would have to die. For that reason he grasped at straws, and the promise that a person who volunteered for such experiment if he escaped with his life he would receive a pardon of some sort, in this promise I see objective compulsion. The people were put into such a situation by the concentration camps that any door which might lead back to life, lead to a resolution to take advantage of every opportunity. The treatment was so terrible they grasped at straws, and that is why such straws were held out to them.

Q. Doctor, I think you said sievers discussed with you the various aspects of these experiments; let me ask you in detail what do you know about the high altitude experiments which were supposed to have been conducted in Dachau from about March to August 1942 on concentration camp inmates for the purpose of investigating the limits of human endurance and existence at extremely high latitudes; did you learn something

of this from Sievers?

A. I did not ask for any details from Sievers about the various experiments. I did not ask him for any details or discussion at the beginning, and when he was particularly excited and again in the course of the whole matter it was on the ethical question, whether there was any moral justification for his staying on his post. We did not discuss the technical details. One must remember we generally talked in the Lindeborf, and even if we were pretty safe there, if a third person heard one word, -- if a third person heard that Sievers was talking to me about these things that would be enough to have this Fuehrer Order No. 1, which the Prosecutor mentioned, put into effect, so we stuck to the prevention of limiting our discussions to what was absolutely necessary, and that was the ethical question.

Q. I assume then that he did not tell you the names of any persons connected with this particular experiment, the high altitude experiment, other perhaps than Rascher?

A. No, with the exception of Dr. Rascher, and once when he was so happy he had helped Floetner, he mentioned Floetner to me. Otherwise, he told me no names.

Q. When I assume from what you said he did not give you any details about freezing experiments conducted at Dachau in 1942, is that correct?

A. No, I do not remember of any specific details.

Q. Did he give you any particulars as to human experiments conducted at Dachau for the purpose of investigating immunization for and the treatment of malaria, from different periods, beginning with February 1942 and ending about April 1945?

A. No, he did not. I remember only that the name Floetner was mentioned in connection with Malaria, but I may be mistaken.

Q. Did he give you any particulars about experiments conducted at Sachsenhausen, Hatweiler, and other concentration camps at various times from September 1939 until April 1945 on concentration camp

inmates, to investigate the most effective treatment for burns caused by Lest gas?

A. Before 1942 I do not recall any such conversation. After 1942 I do not remember anything about the name Mustard Gas. I just remember that human experiments were constantly being carried out. It was all very general, and he used to say the whole thing was so terrible he didn't know what to do.

Q. Did he tell you anything about experiments conducted at Ravensbrueck concentration camp from July 1942 to September 1943 on concentration camp inmates to investigate the effectiveness of sulphenamide wherein wounds were deliberately inflicted on concentration camp subjects who were then infected with streptococci or gas gangrene, and then a treatment for that; do you nothing about that from Sievers?

A. No, I don't know much about the individual experiments.

Q. Did Dr. Sievers tell you anything about experiments conducted at Dachau from July 1944 to September 1944 to study various methods of making sea water drinkable wherein concentration camp inmates were deprived of all food and given on chemically processed sea water; did he discuss that with you?

A. No, not in detail.

Q. Did he discuss with you anything about experiments conducted at Sachsenhausen and Natzweiler concentration camps from about June 1943 to about January 1945 to investigate the causes of and inoculation against epidemic jaundice, wherein experimental subjects who were concentration camp inmates were deliberately infected with epidemic jaundice?

A. No, he didn't tell me any of the details.

Q. Did Dr. Sievers discuss with you anything about human experiments conducted at Buchenwald and Natzweiler concentration camps from about December 1941 to about February 1945 to investigate the effectiveness of spotted fever and other vaccines, wherein healthy concentration camp inmates were deliberately infected with spotted fever virus?

A. No, no details.

JUDGE SEBRING: Thank you very much.

B. HEDY: Your Honor, I have another question or two, if the Court permits me, to put to this witness.

THE PRESIDENT: I desire to ask a few questions, then you may.

BY THE PRESIDENT:

Q. When was it, Witness, that it began to occur to you that Germany had lost or would lose the War?

A. That the War was lost seemed to me very probable from the moment it began.

Q. When did you become convinced that the war was lost?

A. That is hard to say. I should like to say it was after the 20th of July.

Q. Are you familiar with German criminal processes before the War?

A. No.

Q. Have you any idea, if a German national was convicted of murder or some crime which carried the death sentence, how long it would be after the sentence was imposed before the man would be executed?

A. I must rectify my answer that I gave before. I was a Jurist, and I studied law and I went through all the positions before I left the service, but I know nothing about the period between the sentence and execution, at least I don't recall knowing it.

Q. Did you serve in the German Army?

A. At the time I served as a Silesian, I was in the Free Corps, in 1919, against the Poles, and this was taken over by the Reichswehr. The Free Corps unit there wanted to take part in the Kapp-Putsch, and since I didn't approve of this I left, I left.

Q. In a German Army occupying foreign territory, and if certain of these foreign nationals were charged and convicted of the crime of sabotage against the German Army, and condemned to death by military or other German Court, in that foreign country, have you any idea how long

it would be before that sentence would be executed?

A. Do you mean in the National Socialist Army?

Q. I don't understand you, Witness

A. Do you mean the National Socialist Army in the second World War?

A. Yes.

A. I know nothing about that in general. I only know that it was very quickly carried out.

Q. Do you have any idea that foreign nationals who were so convicted would be sent back to Germany to be executed?

A. I know of shootings, even without a sentence, and I don't know what was done if such quick justice was not carried out.

Q. Do you think it probable that such foreign nationals, tried and convicted before a German Military or Occupational Court in a foreign country, and sentenced to death, would then be sent back to Germany, persons under that sentence of death so imposed.

A. I don't know of any such case.

THE PRESIDENT: Has counsel for the Prosecution any inquiry?

MR. HEDY: I just have one or two questions, your Honor.

BY MR. HEDY:

Q. Regarding those letters written by Sievers that you say you admired the way in which Sievers wrote because of his position; did you see those letters prior to your appearance here in Nurnberg?

A. No, I did not see the letters before they appeared here. What I give credit for is the authentic national socialist tone.

Q. Did you ever see any letters wherein Sievers wrote to members of the Party, or concerning Party activities, such as those letters which are in evidence before this Tribunal; did you ever see any of those letters prior to your appearance here in Nurnberg, of any description?

A. Unless they were sent to members of my own organization and were camouflaged letters, no.

Q. Did Sievers ever tell you about the way he conducted himself

concerning some of these various criminal activities of the Nazis?

A. You mean in connection with the experiments, or what do you mean?

Q. Yes, in connection with the experiments?

A. Sievers told me, that was at the beginning when we had this fundamental discussion which lasted some time, he said he would try to carry out sabotage wherever he could as General Secretary, and as always, I left him a completely free hand to carry this out, as I did with all my people.

Q. Now then, when this process started, that is, I will go further back, when the International Military Tribunal served the indictment on Goering, et al, did you at that time volunteer the information you possessed to any investigating authority concerned with these trials here in Nurnberg?

A. Since 1945, since Professor Heiler made me acquainted with the American Military Government in Nurnberg, I described to this M G, as well as the English Military Government in Göttingen and Hamburg our resistance group. Is that what you mean?

Q. I mean, did you ever tell any Military Government directly concerned with Military Tribunals, for instance, did you ever write to Mr Hardy, care of I.M.T., and tell him you had information concerning medical experiments. During the past two years, since the end of the war did you write to anyone and inform them that you could enlighten them as to some of the activities regarding the medical experiments?

A. I did not write to Mr. Hardy.

Q. Did you write to anyone?

A. I went to several agencies, and I was always given the name of a different office, and they always said they were not competent. Since 1945 I have been offering my help, and have been saying I could give information about Sievers, and all his actions. I was never able to give this testimony, because as I have said everyone sent me on to someone else, and everyone said he was not competent. This continued

until I finally found Mr. Weisgerber, and this trial was finally opened to our joy.

MR. H. ROY: No further questions.

THE PRESIDENT: Are there any further questions of the witness of any defense counsel?

DR. WELTE: Dr. Nolte, counsel for Handloser.

THE PRESIDENT: Counsel, how long will your examination of the witness take.

DR. WELTE: Perhaps 20 minutes.

THE PRESIDENT: The Tribunal will now be in recess until 9:30 tomorrow morning.

(Thereupon Court adjourned until 9:30 a.m. April 16, 1947)

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 17**

**TRANSCRIPTS
(English)**

16-23 April 1947 pp. 5972-6356

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 16 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal I. Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please Your Honor, all defendants are present in court.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court.

Counsel may proceed with examination of the witness.

FRIEDRICH HIELSCHER - Resumed

RE-DIRECT EXAMINATION

THE PRESIDENT: The witness is reminded that he is still under oath.
BY DR. MELTE (Counsel for the defendant Handloser):

Q. Yesterday, witness, the Tribunal asked you a few questions, that witnesses and defendants have declared on the witness stand under oath that the terrible things which happened behind the barbed wire had been unknown to them. You will understand that people who have not lived in our environment, as they look back after all the atrocities have been revealed, cannot understand how this could be possible. Yesterday, if my notes are correct, you said, "The existence of concentration camps was known in Germany but nobody knew what happened there," is that right?

A. I didn't say nobody. I meant nobody who was not politically active against the Nazis.

Q. We shall see. The question is: Did the general public, the German people as a whole, or did only a few people know, or did certain groups know about these things? Now he asked you yesterday spoke of the

Fuehrer Order No. 1. Then you know about it. Would you agree with me if I were to say that this Fuehrer Order No. 1 was the typical expression of Hitler's principle, divide et impera, divisions of the various spheres of work and strictest secrecy? Would you agree with me?

A. Yes, I would. I believe, in addition, the actual significance of the Fuehrer's order becomes understandable only if one considers the pressure under which the whole nation was living; that is, the knowledge that if I say anything carelessly I'll disappear and I don't know what will happen to me.

Q. You say that was the prerequisite for the effect and it was the consequence of this order, and it was the intention, because in the last analysis the whole nation was not behind the system to achieve by division what could be achieved with a minority. Were the concentration camps under the SS as early as 1933?

A. I know that concentration camps were guarded by SA and that there was a struggle about the control of concentration camps among the higher party agencies. The example that I gave yesterday where people were thrown into water at 80 degrees Centigrade and then their skin was taken off, that was done by the SA.

Q. This Hitler order sett^{ing} up the basic principle of secrecy was now expanded and completed in the SS. Are you aware that aside from this Hitler order there was a general order from Himmler for the SS which provided severe penalties, even death, for violation of the obligation to secrecy?

A. I don't recall the text but I know the general effect.

Q. You know that an order existed?

A. Yes, I know that there were some such orders.

Q. Now, what if someone wanted to visit a concentration camp? Could he go to a camp and ask to be let in?

A I don't think that any one in Germany would have come upon the idea of simply going to a concentration camp and asking to be let in.

Q Was it possible to visit a camp and what requirements had to be fulfilled?

A One had to have connection with the SS and under some pretext try to find a legitimate excuse for wanting to get in. One had to find an excuse that agreed with the SS vocabulary. I have to look at this from the point of view of my own work.

Q Yes, but, of course, I have to ask you, in judging these things, to distinguish between your specific case and the case of the person who did not have these special connections which you had.

A A normal German would not dare to think to get into a concentration camp.

Q Could the members of the camp administration and the guards talk about the things which they observed to third persons?

A No, of course not.

Q Could the inmates tell their relatives or any one else in letters about what they observed?

A No, of course not.

Q If some one was fortunate enough to be released could he freely describe what he had seen and experienced?

A Except for personal conversations with his best friend or with his wife, such people were very reticent.

Q Was that because of a systematic order, a waiver which they had to sign or some such thing?

A It was because of the tortures which this man had experienced himself, or had seen, and the knowledge which he had received in the concentration camp of the malevolence of the SS system, and on the probability which bordered on certainty that if he said any thing to any one and was not 100% certain that

that person would be silent he would be sent back to the camp and would be killed immediately.

Q Well, let us sum up this system. Primarily, the basic Hitler order of secrecy, the specific orders from Himmler for the SS, the concrete orders for the camps and events in the camps, and the conclusion is it correct that all these orders were carried out with the greatest severity?

A Yes.

Q That this systematic secrecy, in effect, had to lead to the general public that is everyone who did not have something to in some official connection or some other connection such as yours, learning nothing about what happened in concentration camps?

A I can only repeat what I said yesterday. The general public knew that the camps existed. There was a general impression that something very unpleasant happened in the camps. What actually did happen in the camps was not known to the public up to the end of the war.

Q You said that there was a general horror of concentration camps - this feeling that something was happening there. For example, medical experiments on prisoners?

A No, this did not refer to any details at all. It had the following significance. Everyone knew people disappeared from time to time and were no longer seen. A large number of these people did not return at all. Those who did return were extremely reticent, even to their own brother, cousin or parents. That was all. And this uneasy feeling that there is something going on, something that one wouldn't like to get involved in - that was the intended effect of the existence of the camps.

Q Did any one of the public get the idea that experiments on human beings might be carried out?

A I can only repeat that no one had any idea of any details or had any clear impression of what was going on. Otherwise, our underground work would have been much easier if we had been able to use such general knowledge.

Q I can, of course, imagine that if some one knew some one has been sent to a concentration camp he could imagine that it was rather unpleasant there, as if some one is sent to prison or to a penitentiary, but what I want to know is this. Could the idea of horror mean anything so specific to the individual as the experiments which were carried out there?

A I can only repeat that the general impression was a stricter form of penitentiary. Nothing specific, just a general unpleasant impression.

Q But in a penitentiary one doesn't generally imagine that experiments are conducted on the inmates, then this feeling could never arise that human experiments were being carried out in the camp? Is that so?

A I know nothing of any such specific impression among the general public.

Q In this system as you have discussed it I should like to ask - did it make any difference among the German population in general, whether some one was in a high position, whether he learned anything specific, anything positive about what went on in concentration camps, or can one say that that was generally impossible and did not depend upon the position of the official?

MR. HARDY: Your Honor, this ground has been covered rather extensively, both by the defense counsel, the prosecution and the Tribunal. I object to any further questioning of this kind.

THE PRESIDENT: Objection overruled. Counsel may proceed for a few minutes.

BY DR. NELTE:

Q Did you understand me? The Tribunal asked whether any certain groups, because of their position, would necessarily have to know

about.....

A I can answer the question only generally for the higher or middle officials in the various ministries that was the subject of our conversations - what can be done with these government officials; and the impression of all my friends in all the groups, Right or Left, without any distinction, was that this class of government officials, not only since 1933, not only since 1919, not only since Bismarck, were disgustingly unpolitical and had no education outside of their specialized field. They worked in their own field and had no idea about anything else and didn't worry about anything else. That was the whole psychological prerequisite for holding National Socialism power. Nothing could be done with these people that didn't know anything.

Q Now, if a general, for example, says here on the witness stand in answer to the question "Did you know what happened in the concentration camps?" If he says, under oath "No", would you believe that?

A That is a very difficult question because we all laughed at the stupidity of the generals. It is quite possible that just because he was a general he knew nothing, unless he was related to some one who was connected with the 20th of July.

Q When you say "unless there were specific connections with the events and with these camps....."

A No, no, I meant to say that the generals, who formed a quite distinct class in society, and a large number of people executed after the 20th of July, were executed because this class, insofar as they weren't anti-Nazi, didn't always maintain secrecy. I don't know who you are talking about here, but if a general says he knew nothing and he was related to some one connected with the 20th of July, then I don't believe it likely.

Q Then, if I make my question more specific: Professor Handloser said that he knew nothing of the events in these concentration camps?

A Unfortunately, I don't know Professor Handlsoer's family and social connections.

Q Well, assume that he had no relatives connected with the 20th of July, or with concentration camps, but that he had an enormous work as Army physician, as Army medical inspector and as Chief of the Wehrmacht Medical Service, and that he had no contact with the SS? Do you believe that this statement is correct. I assume that you knew his name and had some idea of what judgment you have to make of him.

A That's not possible. I can only say that if what you say is true it is not impossible that he would not know anything. I don't consider it impossible.

Q This problem is very important and it cannot be discussed in too much detail. I believe it is one of the problems which is decisive for restoring Germany to a role in international life. As long as other countries believe that the general public know about and approved such things, we shall not have peace and that is why it is so important to me to hear your opinion on this matter and to give the Tribunal a picture that the people in general had no knowledge.

I thank you.

BY JUDGE SEBRING:

Q Doctor, the Tribunal has listened with a great deal of interest to the statements you have just made, and as Doctor Nelte has indicated, under the system of government which citizens of the United States have known for one hundred and sixty years, it is difficult to understand the reign of terror under the guise of duly constituted and organized government which you have delineated in your testimony. Now do you mean to say it can be possible that such a system of practice as you have delineated as having occurred in the concentration camps, could exist over a period of 8 to 10 years without such practices becoming generally known to middle and high level officials of the so-called government, the Wehrmacht, and the SS?

A I must say the following. In the case of the middle and higher government officials, it would not have been possible if we had not, for a very very long time here in Germany, especially in the East Elbe area, had had a class grow up, trained to devote themselves exclusively to their own department which they had studied with above-average thoroughness and which they took care of with the necessary thoroughness and, in addition, had the obligation to worry about nothing else. That was a habit of the middle and higher class which had lasted for centuries. For example, in the higher military offices we political people always talked about a dementia militaris maxima. It was not possible to talk to these people about anything that was outside of their own field because they did not understand it. That has increased since the beginning of the 19th century. For the middle and higher government officials, Your Honor, I must answer your question with "No" in general. In general they did not know about such things. In our many attempts to approach people there, unless they were actually relatives or friends of ours, we could do nothing. The thing was different if they were high party, Wehrmacht or SS authorities; that is, the people immediately around Hitler, Himmler, Frick, Rosenberg, and so on. Then, of course, things were different. They were, of course, definitely informed.

Q Well, let's drop down in the party level from Hitler, Himmler, Rosenberg, Heydrich, Funk, and the rest of these men. Let's drop down on lower levels of men who were Party members or still had contacts with Party members officially. For example, let's consider the strata of Party officialdom represented by these defendants in the box. What is your view?

A I would be grateful if the rank of these men could be described to me because I have not followed this trial, with the exception of Sievers. It is difficult for me to give a general judgment because I do not know on what level these gentlemen were.

Q If that be true, then the Tribunal will not press the question, because it would be apparent that such an answer would be simply an opinion of the witness, is that correct?

A Yes.

JUDGE SEBRING: Thank you.

THE PRESIDENT: Counsel may proceed.

BY DR. SERVATIUS:

Q Witness, with your personal acquaintance of the resistance movement, do you believe that a person who was an active follower of Stresemann and Bruening since June 1933, and was persecuted by the Gestapo, as of the 2nd of May 1935 would have been accepted into the NSDAP?

A Only on condition that such a man had changed suddenly in 1933. That happened, of course. There were surprising people who changed their allegiance immediately.

Q Witness, if 3 months before, this man had openly protested against the Party propaganda play at the theater and had been beaten up and injured, do you believe it was likely that shortly after that he would be accepted by the Party?

A At the same place?

Q Yes.

A No, that is very unlikely.

Q Do you believe that 10 months later this man would be admitted

to a State examination and receive a State position?

A Again, unless there had been a definite change in the meantime—which happened in Germany very often—it is very unlikely.

Q Do you believe that this man would be kept under arrest only 1 month if, a year later, after this incident, as a government official he sent 8,500 pamphlets to high government officials?

A That he would be under arrest only one month? No, I don't believe so.

Q Do you believe that the consequence would have been merely that he lost his position and that he could have studied medicine until the beginning of the war?

A This was discovered?

Q Yes, he says it was discovered and he lost his position and studied medicine. That was in 1941. Do you consider that probable?

A No, I consider it very unlikely. The man would very probably have been sent to a concentration camp.

Q Do you believe that one could send 230,000 subversive pamphlets through the mail without being discovered?

A I never heard of that happening.

Q Aside from the 230,000 pamphlets, do you believe that this man would be held for 6 weeks in a concentration camp after being arrested the second time if he had been dismissed from the Party, as he says, 2 years before?

A That is even more unlikely.

Q Do you believe that it was possible for the man, in 1941, to receive 2 letters of recommendation from the Gestapo, to become a member of the Waffen-SS?

A That pre-supposes a political change of allegiance.

Q This man says that he did so in order to get into the Party and to investigate conditions in the extermination camps, to reveal to the world what he discovered. Did you hear anything about this--about such a man in an important position working at Auschwitz, who wanted to in-

form the world?

A No, I know nothing about it. Of course, that doesn't prove anything. There were so many people who did not know each other. That doesn't prove anything.

Q Witness, this man has recorded his activities in a document, it is 1553-PS, submitted by the Prosecution, Exhibit 428. I have here an English copy. On page 4 of this document conditions were described as I have just repeated. This witness is Dr. Kurt Gerstein. Do you know the name?

A No, I never heard it.

Q A graduate engineer for mine surveying (Bergassessor Diplomingenieur) who studied medicine?

A No, but that doesn't prove anything in itself.

Q Witness, when did you first hear of the execution of the euthanasia program?

A I cannot give the year. I know in general that the Party wanted it and I knew that these intentions were carried out, not as a private citizen, of course, but that was information which I received and we discussed it frequently.

Q In July or August 1938, did you know anything about the extermination of insane, feeble-minded and sick people in the mental institutions? Or was it later?

A I am sorry, I cannot give any dates, but I can say that at the time when it happened we knew about it. One of the men, I don't know how it was, said - "The news is the following --"

Q Well, witness, tell me, was it before or after the beginning of the war?

A I am sorry, I cannot tell you. All my diaries were burned, It was noted down there in some form.

Q Witness, this Dr. Gerstein gave a long report to the occupation troops when they entered Germany. Even his family has not been able to find it since. Don't you believe that the occupation troops failed to

believe his statements?

A I can only say that what you have told me so far about the man makes it unlikely that he was in the resistance. But I do not know enough about the methods of the occupation authorities.

DR. SERWATIUS: I have no further questions.

DR. VORWERK: Vorwerk for defendant Dr. Rosenberg.

Q. Dr. Hielscher, did you think about the problem of experiments on human beings for a long time or were your answers in this field yesterday really a result of a question for the moment?

A. What problem did you say?

Q. Human experiments?

A. I have dealt with this problem for some time, long before the Nazis.

Q. Dr. Hielscher, do you consider experiments on human beings criminal under all conditions?

A. Under my ethical convictions they are criminal under all conditions.

DR. VORWERK: Thank you. No further questions.

DR. FROESCHMANN: Dr. Froeschmann for Viktor Brack.

Q. Witness, yesterday you said that shortly after 1933 you got one or two of your acquaintances out of concentration camps, is that right?

A. One.

Q. Did you also have an opportunity in later years, let us say 1935 - 1939, to try to have concentration camp inmates released?

A. From that time on I was not able to achieve any direct release personally. Some of my men were able to help in this respect. I have already said that Sievers did so.

Q. Did you know that there was a way to have inmates released from concentration camps through an office in Berlin?

A. Generally I know nothing about this.

Q. Did you know the Chancellory of the Fuehrer?

A. Yes, I did. That way existed, yes.

Q. Did you know...

A. And then there was also a second way, through Emmy Goering, yes.

Q. Did you know the work of the Chancellory or the Fuehrer in this field?

A. No, we kept away from this method, because it was very unreliable and dangerous. I can say nothing from my own experience.

Q. Then you didn't know Reichsleiter Bouhler personally?

A. Yes, but not in this connection.

Q. Witness, did you see prisoners personally who were not in concentration camps one or two years, but many years, and then got out.

A. Yes.

Q. Yesterday you said that these prisoners made a very disturbed impression, and that it was very difficult to get anything out of them, is that right?

A. They were extremely reticent, extremely secretive. They bore the impression of great fear, but there were people who managed to adjust themselves to it.

Q. Could one use the expression "mental wrecks" for these people?

A. I would say a large proportion of them were. There were people who managed to adjust themselves to it, and those were the best ones.

Q. One could say that in part the psychiatric condition of concentration camp inmates after years of imprisonment was very disturbed, very reduced -- how would you express it?

A. In general Himmler succeeded in breaking these people to a large extent. It was a devilish system.

Q. Is it true that a large part of these people, as a witness recently testified in a different trial, were through with their whole life?

A. It is difficult for me to answer since I am dependent on the reports of the prisoners with whom I worked later, and they are people who are not broken. If I can rely on their reports, and I am quite sure I can, I can say that a large proportion, as I have already said, were broken in their ambition, and so forth.

Q. Do you consider it possible, witness, that these prisoners themselves lost any respect for the lives of others?

... That is extremely difficult to answer. I know two very different reactions which we often discussed. One is that such a person comes out and says from now on I shall never hurt a fly. Now I know what horrible things a human being is capable of. I know how a human being lives. I will never hurt anyone else. That is one reaction. The other reaction is, now I don't care about anything, nothing is important anymore, and I will do the same as they do. These are the two typical reactions which follow from human nature.

Q. Witness, you had some knowledge about the treatment of the prisoners by the guards in the concentration camps?

A. Not personally, of course, aside from the time when I was in prison, but from reports from men in my own group and other groups.

Q. Do you know from what part of humanity, to speak carefully, these guards were drawn?

A. The guards in the concentration camps? You mean the SS?

Q. I am talking about the guards. I want to avoid the expression SS. They were dressed in SS uniforms, but I just want to talk about the guards in the concentration camps.

A. There were two heterogenic elements, so to speak. One was what we called the typical SS man, and the best thing to do today if we met them on the street is to shoot them down. Shooting is too good for them. The second group are the ones who are brought in unsuspectingly. That happened often, that in the east in the foreign German settlements the people were called to a meeting and were told we were to carry out a census or something, and they had to sign a list. On the next day they were called in and they said they were called in for the SS. They were put into formations and suddenly discovered they were guards. For example, I was guarded in the Lehrter prison by seven Saxons, three from Silesia. Aside from the other kind that is who were very very decent and regretted they had been forced into this position, and I as a prisoner had an opportunity to talk to them about supervision, and we used to talk about who was the worst off.

I had to console them. These people did exist. But aside from them the guards were rather an unpleasant bunch of people.

Q. Did you learn anything about the way in which the guards treated the prisoners in the concentration camps; do you know anything about mistreatment, or anything similar?

A. Yes, of course.

Q. And into what year did your experience extend?

A. My experience began in 1933. My reliable reports began in 1933.

Q. And do you believe that this condition of the guards was supported from above?

A. Yes, I do. They went up to the Commandant office, and went up to Himmler and Hitler, too, of course.

Q. Then for a man who was against this system in the concentration camps, did it involve danger to his own life to effect the release of prisoners from these camps?

A. May I ask you to repeat the question.

Q. Was it for a man,

A. For a man in this hierarchy, you mean?

Q. No, a man outside the hierarchy, a man who wanted to help the poor prisoners to be released from the concentration camp; did it mean danger to his own life to do so?

A. Unless the man was extremely well covered he was under extreme danger.

DR. FORESCHNITT: Thank you. No further questions.

DR. WEISGERBER: Dr. Weisgerber ---

THE PRESIDENT: Before you proceed counsel I have a few questions.

BY THE PRESIDENT:

Q. Witness, have you any idea as to the approximate number of Germans in societies, exclusive of the Jews, who were sent to the concentration camp prior to September 1, 1939?

A. I cannot give any exact figure, but it is certain that it was

in the 10 thousands, -- 10 thousand, 20 thousand, 30 thousand, 40 thousand, something like that.

Q. Were these Germans taken from all levels of society throughout the entire country?

A. Yes, these people came from the whole country.

Q. Is it true, as we have read, that even the German school children were instructed to act as informers even against their own parents as to disloyal statements against the Nazis, and so forth?

A. That was not an exception. That was a general phenomenon. A case from my own family, the nurse, children's nurse comes to a lady and says "your daughter doesn't say 'Heil Hitler' as often as she should." The lady says "that isn't right. The little ones don't lie. We don't say such nonsense, and it turned out that the nurse took the lady to one side and said, "Listen you are very fortunate. I am an old socialist. I know you are conservative. You must instruct the child to lie to other people. In her class at school there are four or five girls who systematically inform on their parents and their school friends. That was quite a common experience. I talked to my worker friends and to some count. I talked to everyone, and we said "what do we do with the children? They must either be taught at home to lie systematically, and that is very bad for the child," and we don't want to put the children into such a conflicting situation. These are only children of six or seven, and the child is told at school it is his duty to report his parents if they don't think as they should.

Q Now that system; was it or was it not well known throughout Germany that those things were done and the children were so instructed?

A To my knowledge, that was a general experience that one had to be careful in the presence of ones children, but I must add, of course, that this was only the experience of people who were not National Socialists, people who were Nazis or who had no opinion at all had no occasion to have this experience, it was only the growing group within the country who were not National Socialists who had this experience.

Q My idea was to ask you whether or not that system was known by all German National Socialists and if members of all parties knew that such things were going on?

A What should I say?

Q Well, my question is, witness, whether or not throughout all classes or political parties in Germany it was not generally known that things were reported by children, by everyone, that everyone was under instructions to report disloyal statements to the Nazi authorities?

A In all classes of any political training from right to left, in all circles, who were not definitely National Socialists, it was known that spies were everywhere, children and adults, and one had to be careful even in the most harmless conversations, it was called the German look when two people met as they immediately looked over their shoulder before they could talk; that was quite general.

Q Now, when persons were arrested for alleged disloyalty; they were taken from their homes were they not?

A Yes.

Q Now, no one could be, no adult person could be taken from his home or her home without a good many of the neighbors knowing that that person had disappeared; is that true?

A Yes, that is true unless it was a man who was constantly travelling.

Q Of course, I understand that. So, it must have been generally known throughout all limits of German society that many people from time to time simply disappeared from their homes; is that true?

A Yes, that is true.

Q Well, was it or was it not also generally known that when those people disappeared from their homes that they had been arrested?

A Yes, that was the general conviction.

Q Well, was it or was it not generally known when such people were arrested where they were sent or where they were taken; I don't mean the definite locality; it was known they were in the custody of the Nazi Government; was it not?

A Yes, of course.

Q Well, would not that arouse considerable general interest among the population, among their friends, even among their enemies who disagreed with them; would it not arouse some general interest as to where those people were put and where they were kept?

A No, that was not the case. It was generally said if you investigate this thing you will possibly endanger yourself, so don't ask any questions; that is the best for you, that was the general reaction.

Q My question was as to the general reaction; that it would raise interest; not to ask questions I understand that; but it would be a matter of some general interest where these people were kept even though people would not dare ask?

A Mr. President, that assumes a manner, a type of thinking which we unfortunately did not develop in our country for generations. This general interest, what is going on here, aside from my vague feeling that something is wrong, was missing. Let us not get involved, leave things alone. The average man, up to the war, felt the Government probably does the right thing, those people were possibly criminals, who

knows what they have done? We were not, before 1933, accustomed to the Government arresting people without any legal basis. We were accustomed to the Government acting according to its best judgment. If people disappeared, as this was suddenly done, without any legal reason, simply arbitrarily, the average person never thought that way, they felt the other fellow was probably a criminal or the police would not take him away. One has to imagine the lack of political interest among the population.

Q Were German Nationals, who were put in concentration camps, allowed in any respect to communicate with their families?

A As far as I know there was permission at certain intervals, to write "I am here, I am well."

Q Now, after September 1, 1939 can you give any estimate as to the number of German Nationals, exclusive of Jews, who were confined in concentration camps after that date?

A We assumed at the time that it was two or three times the number before the war.

Q Could you give any estimate, of course I understand it could not be an accurate estimate, but could you give some figures as to what you think; understanding that is simply your opinion as to the number of Germans after 1939 who were placed in concentration camps?

A I assume that there were several hundred thousand.

Q Have you any idea as to the number of Jews, German Jews, German citizens, who were confined in concentration camps prior to September 1st, 1939?

A I am sorry I did not understand;.....how many there were before?

Q Have you any idea at all as to the number of Jews, who were German citizens, who were confined in concentration camps prior to September 1, 1939?

A I assume that the number of Jews before the outbreak of war, German citizens before the outbreak of war, was not especially large;

I assume that it was ten thousand or twenty thousand at the most.

Q And after September 1, 1939; have you any idea as to the number?

A The number increased very rapidly, the idea of extermination was put into effect during the war. It is difficult to say how many were in concentration camps before. We knew that they merely went through the concentration camps, they were transferred for example or were killed in the ghettos without being sent to a concentration camp. I don't think half of the six million Jews who were finally killed ever went through the gas chambers in the concentration camps. As we discovered in the East, they were taken directly from the Ghetto to the mass graves or gas chambers as at Ghetto Litzmannstadt for example where there was a gas chamber; they were not sent to concentration camps at all and the question is very difficult to answer that is all.

Q The counsel may proceed.

REDIRECT EXAMINATION (Continued)

BY DR. WEISGERBER:

Q Witness, to conclude my examination I have four short questions. With the first question I want to clarify something. Yesterday, I showed you Document No. 975, Prosecution Exhibit 479, this is a letter which the Defendant Sievers wrote on 20 January, 1945 to Dr. Hirt. In cross examination, the Prosecution showed you the teletype message of 5 September, 1944 from Sievers to Rudolf Brandt and asked you the question, at least this was the German translation that I heard, asked you whether it was admirable for the resistance movement to deal with such things; either there was a translation mistake or the Prosecution misunderstood your answer to my question about the Document, which I showed you. Therefore, I should like to give you an opportunity briefly to explain what you mean by praiseworthy?

Court 1-

A I did not mean that Hirt's idea which he had submitted to Himmler through Sievers to destroy this Strasbourg collection and to explain the bodies as belonging to the French Anatomical Institute. I didn't think it was praiseworthy for Himmler to order that and I didn't think it was praiseworthy that Hirt was rejoicing that this would escape from the notice of the Allies. All I meant was that if Sievers could not change the thing and if no one could be saved that it was praiseworthy since the thing had already happened in view of the threat to him personally to speak as in Nazi terms about something which had already happened to cover himself. Not what Himmler did was praiseworthy but only the reason which he used.

Q I think you should speak a little, slower, witness, Witness, yesterday you said that you had repeatedly to bring your knowledge about what happened during the Nazi regime to the attention of occupation authorities. Can you please tell us when and where you made such attempts?

A In connection with a report about the activity of my organization, I offered to report what we had discovered about misdeeds of the national socialists to the following offices: the CIC in Marburg, the ICD in Marburg, Mr. Noll and his successor, Mr. Nescamp, the English field security in Goettingen, in Duesseldorf and in Hamburg. I offered to report it at the Hersdorf camp when I allowed to visit the defendant Sievers, there briefly. I was referred to an American office in Nuernberg -- the building is next to this building. I was sent as not authorized to Wiesbaden from there. The Wiesbaden office sent me to Frankfurt. The Frankfurt office refused to listen to me. If I had been at all informed which of the prosecutors was going to work on the matter, I would of course, have gone to him.

Q Witness, you said yesterday that Sievers after long discussions and consideration decided to remain in the office of the Reich Business manager even when the Ahnenerbe came into contact with experiments on human beings. Did Sievers say, or did you give him any instructions as to how he was to carry out his administrative from then on?

Curt 1-

A That was a matter, of course, and, besides, emphasized by both sides that when passing on the administrative orders that went through his secretary's office, he would, of course, pass on only as many as he was unable to prevent, and wherever he could prevent anything, he would do so. In my knowledge of Sievers, it is quite impossible that he did anything beyond that.

Q My final question now, witness: did you consider exact knowledge of details in the execution of the experiments of Rascher and the activity of Dr. Hirt necessary in order to form your opinion on the ethical admissibility of Sievers remaining in the Ahnenerbe?

A I did not consider exact knowledge necessary because our ethical judgment was formed independently of the details, and the discussions of the details would merely have brought about new dangers. From my fundamental attitude, which was the attitude of the whole group, and which we discussed before, I repudiated these experiments on principle. Now as is the case in such a group as we were in a team which has to count on the independence of every man, where I had to rely on the man's taking up his duties independently. I gave Sievers his assignment and left him a completely free hand as to how he carried it out. Otherwise we could not work at all: but, of course, I claim the responsibility since I gave the man his assignment: since I expected the man to take this risk, I alone claim the responsibility for everything that he actually did in the spirit of our work.

DR. WEISBERGER: Mr. President, I have no further questions to this witness.

THE PRESIDENT: Are there any further questions to the witness on the part of the defense counsel concerning these matters which have been brought out after previous examinations? There being no questions has the Prosecution any further cross-examination?

MR. HARDY: No further questions, Your Honor.

THE PRESIDENT: The witness may be excused from the stand.

DR. WEISGERBER: Mr. President to conclude my case I should like to offer a number of documents. I believe that it will not be necessary to read these documents. In some cases I shall merely point out certain statements.

The first document is Sievers Document No. 6, Exhibit No. 31, Document Book I, page 14. This is a letter from the Chief of the SS personnel main office to the Chief of the Personal Staff of the Reichsfuehrer SS, Obergruppenfuehrer Wolff. This affidavit shows that the Chief of the SS personnel main office was trying to have Dr. Rascher taken into the Waffen SS. It was a very high authority that was interested in that.

The next document which I offer is Sievers No. 12, on pages 26 and 27 and 28 of Document Book I, which is Sievers Exhibit No. 32. This is an affidavit of Dr. Arno Seemann-Deutelmose, who collaborated closely with Sievers and Hielscher. On page 27 Dr. Seemann-Deutelmose makes statements about the planned assassination in which he would have participated. The next document is Sievers No. 16 on page 37 to 40 of Document Book I, Sievers Exhibit 33. This is an affidavit of the archeologist Alfred Rust, who knew Sievers from 1937 to 1939, who concludes this statement by saying: I quote:

"Summing up I would like to express the wish as a party opponent - I never belonged to either the NSDAP nor the SA nor SS - and as an individual, that all members of human society in their actions may behave as decent and as fine as Herr Sievers did towards me and my acquaintances."

The next document is Sievers No. 21 on pages 53 to 55 of document book I, Sievers Exhibit No. 34.

The next document is Sievers No. 22, on page 56 and 57, Sievers Exhibit No. 36, I beg your pardon, No. 35, an affidavit of Professor Dr. Von Lutterotti.

The next document is Sievers No. 23 on pages 58 and 59, as Sievers Exhibit No. 36, the statement of Dr. Weingartner.

The next document is Sievers No. 24, on pages 60 and 61, document book I, Exhibit No. 37.

The next document is Sievers No. 25, pages 62 to 64, document Book I, Exhibit No. 38, an affidavit of Count Dr. Oswald Trapp, and

Sievers No. 26, on pages 65 and 66 of Document Book I, an affidavit of Dr. Georg Innerebner, Sievers Exhibit No. 39.

These six affidavits which I have just identified all deal with Sievers activities in the Southern Tyrolean Cultural Commission which he headed from 1940 on. I shall not read these affidavits. They speak for themselves.

Then I also submit the affidavit -----

THE PRESIDENT: Counsel, the Tribunal will now be in recess.

(A short recess was taken)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Counsel may proceed.

DR. WEISGERBER: You Honors, as the next document I submit is Sievers No. 27, Document Book I, pages 67 to 70, Sievers Exhibit No. 40. This is an affidavit by University Professor Dr. Gustav Schwantes. On page 69 I refer to the membership in a number of foreign scientific societies, and I should like to read the last paragraph of his statement, to be found on page 69.

"Summarizing up, again and again I had the strong impression that this man Sievers inwardly nothing whatsoever to do with the actual power conscious and dictatorial National Socialism."

The next document is Sievers No. 28 on page 71 and 72 of Document Book I which I put in as Sievers Exhibit No. 41. This is an affidavit of the University Professor R.R. Schmidt.

Next is Sievers No. 31 on pages 78 and 79, Document Book I Sievers Exhibit No. 42. This is an affidavit of the former Georg Schrufer of Waischenfeld who here describes Sievers' activity when Sievers at the end of the War, while the American Forces were approaching, himself saw to it that the town of Waischenfeld was not defended, thus saving the lives both of German inhabitants and American soldiers.

I come now to a few documents from Document Book 2 and offer next Sievers Document 42, pages 1 to 5. The English translation has it on page 3 to 7. I offer this document as Sievers Exhibit 43. This is an affidavit by Dr. Rudolf Mentzel who was the Chief of the Business Committee of the Reich Research Council. I point out briefly his statement regarding Sievers' attitude, particularly toward foreign scientists who were in German concentration camps. Professor Seip is mentioned, Director of Oslo University, Professor Broegger of Oslo, and the case of the Norwegian students is mentioned here whom Sievers saved from the concentration camp. The case of the atomic physicist Niels Bohr is also mentioned, and I should like to point out briefly a passage to be found on page 3, page 5 of the English translation in the middle, I quote: "In 1942 I had the impression that Sievers intended to deviate from his present work." and, finally, I point out the passages in this affidavit referring to Sievers' activity in the managing committee of the Reich Research Council.

As next document I put in Sievers 43, page 6, page 8 of the English translation. This I offer as Sievers Exhibit 44. This is an affidavit on the part of the same Dr. Rudolf Mentzel. It was drawn up subsequently as a result of the submission of Document NO.-1338A, Prosecution Exhibit 464, which was put in by the prosecution and which was to prove that Sievers had something to do with experiments with poison gas. Sievers explained this matter in his direct examination and I had this affidavit taken down from Dr. Mentzel in this same connection.

I offer now Sievers 44, page 7-9, pages 9-11 of the English translation, Sievers Exhibit 45. An affidavit on the part of Dr. Folf Panzengruber, who was prisoner in

Dachau, who now tells of Rascher's activities particularly and Sievers' testimony that the experimental subject who was used in the freezing experiment where Dr. Hirt was also present was a hardened criminal, condemned to death. The witness Funzengruber can make this statement under oath because he heard this conversation between Sievers, Hirt and Rascher.

The next document, is Sievers 45, on pages 12 to 17, which I put in as Sievers 46. This is an affidavit from Dr. Gisela Schmitz, who, from 1937 to 1945 was secretary in the Ahnenerbe, and as this affidavit states, she was never a member of the National Socialist Party or any of its organizations. She gives various testimony regarding the internal business affairs of the Ahnenerbe and further states that Sievers told her how unpleasant he found it that the Ahnenerbe came in touch with human being experiments on Himmler's orders. She says further that reports on Rascher's experiments in Dachau never appeared before her. If such reports had come to the Ahnenerbe she would certainly have seen it since she saw all incoming mail. I point out further her corroboration of the preliminary history of Hirt's being commissioned to collect a Jewish Bolshevik skull collection. Document No. 088, put in by the prosecution as Exhibit 182, was dictated by Dr. Beger, the same Dr. Beger who chose the inmates in the concentration camp of Dachau and this affidavit testifies to that affidavit. I point out also this affidavit's corroboration of Sievers' membership in the resistance movement. She can testify to this of her own knowledge because Sievers repeatedly spoke with her about all these matters.

The next document, Sievers 47, pages 18 and 19, pages 20 and 21 of the English translation, Sievers Exhibit 45-

pardon me correction, it is Exhibit 47. An affidavit on the part of Cohrs regarding the witness here heard today, Friedrich Hielscher.

The next to last document, Sievers 48, pages 20 to 22 respectively.....

THE PRESIDENT: (interrupting) Counsel, that document has already been introduced in evidence as Sievers Exhibit 22.

DR. WEISGEMBER: I beg your pardon, that is so. As the last document I put in Sievers 51, page 31 to 33 of the German transcript, pages 33 to 35 of the English translation. This will be Sievers Exhibit 48. This is an excerpt from the periodical "The American Review" of January, 1947. The article deals with the 20th of July, 1944, and contains a list of the various groups active within the German resistance movement, as well as a scrutiny of the question "How it came about that even clergymen in the Christian faiths reached the point of condoning political murder as the only means of disposing of the tyranny of National Socialism." The submission of this document concludes my presentation of evidence.

THE PRESIDENT: Counsel, I note that there are some documents contained in your document books which have not been offered in evidence. It is your intention not to offer those documents, I understand?

DR. WEISGERBER: Intentionally I omitted Sievers 7 and 8 because, as I subsequently discovered, they had already been put in by the Prosecution.

THE PRESIDENT: I just wanted to be sure there was no omission which would be sought to be corrected later. I understand that Defendant Sievers now rests his case?

DR. WEISGERBER: Yes. I shall only permit myself, at a later date, with the permission of the Tribunal, to put in a few more documents which are going to come to me from foreign countries but which have not yet been received.

THE PRESIDENT: I understand that, counsel. That permission has been granted you.

The Tribunal calls the case of the Defendant Rose.

MR. HARDY: May it please Your Honor, it has been called to my attention that Dr. Servatius will examine one of the witnesses that is coming here in behalf of Defendant Rose and at that time he will use Karl Brandt Document Book #3, which has recently been delivered to the Prosecution. When Dr. Servatius is using it I suggest that the Tribunal have it here also, inasmuch as it has been recently delivered.

THE PRESIDENT: The Secretary General will see that the Karl Brandt Document Book 3 is furnished to the Tribunal. I should like it noted down that the Secretary General's Office should see that Karl Brandt's Document Book 3 is seasonably delivered to the Tribunal.

Counsel may proceed.

DR. FRITZ: (Counsel for the Defendant Rose) Mr. President, I intend to conduct my case for Rose in this way. First I shall call the witness Frau Block and the witness Professor Hoering, and then shall put the defendant himself in the witness box. During the examination of the defendant Rose I propose to offer several documents and at the conclusion

of his examination to put in the rest of the documents.

THE PRESIDENT: Counsel may proceed with the defense in the manner indicated.

DR. FRITZ: Then I should like to call the witness, Mrs. Block, to the stand.

THE PRESIDENT: The Marshal will summon the witness, Lotte Block.

LOTTE BLOCK, a witness, took the stand and testified as follows:

BY JUDGE SEBRING:

Please raise your right hand and be sworn, repeating after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may be seated.

DIRECT EXAMINATION

BY DR. FRITZ:

Q Please state your full name.

A Maria Lotte Block, nee Schmidt.

Q When and where were you born?

A August 7, 1901, in Silesia.

Q What is your present address?

A Frankfurt-on-the-Main, Passerwandstrasse 6.

Q What is your present profession?

A Special Service employee in Frankfurt-on-the-Main.

Q Please describe briefly to the Tribunal your career.

A In 1919 I graduated from the Gymnasium and then studied national economy and law in Bonn and Heidelberg. In 1922 I married Regierungsrat Friedrich Block of the Culture Ministry in Berlin. During my marriage I worked, without salary, for a Catholic charitable organization, Caritas. In 1933 my husband had to resign, because of his Jewish ancestry, from his position as Oberregierungsrat. In 1935 I took my State examination as nurse. Because of the political situation in Germany my husband and I wanted to emigrate and I wanted some practical training.

We never succeeded in emigrating and on the 11th of November, 1935, my husband was shot by the SA in Berlin.

Q Your husband was Jewish?

A Yes.

Q Did you yourself suffer any disadvantages because you were married to a Jew?

A On the day my husband was shot I returned from the city to our house and there found 2 SA men who told me that they had liquidated my husband for acts inimical to the State. I lost control of myself and made statements to the SA men that caused my immediate arrest. Then for 9 months I was kept in the cellar of the Prinz Albrecht Gestapo prison in Berlin, in a dark small cell. At the end of August 1936 I was released, with the help of one of my husband's friends. In view of these occurrences I went to England for one year, in November of 1936, to visit relatives. After my return to Germany I lived in Berlin, without taking up any profession at first. At the beginning of 1939 I heard from a friend that Professor Rose in the Robert Koch Institute in Berlin, was looking for a private secretary. I applied for this position and was hired.

Q Was Professor Rose aware of the events that you have just described?

A Yes.

Q Did Professor Rose continue to employ you after the police, within the framework of the supervision under which you found yourself, made representations to him?

A Yes.

Q During your employment under Professor Rose was any pressure exercised on you by the Robert Koch Institute that you should join the German Labor Front?

A Yes. The President of the Robert Koch Institute, Professor Gildemeister, and the managing director, when I refused to join the German Labor Front, asked Professor Rose several times to require that I

join the Labor Front or otherwise I should be fired. Professor Rose refused both of these alternatives. In this connection I should like to remark that the competent German authorities, the Main Committee for the Victims of Fascism in Berlin, and a similar office in Frankfurt, have recognized me as a victim of Fascism.

Q How long were you employed by Professor Rose as private secretary?

A From 1939 to 1943. I worked in the Robert Koch Institute in the tropical medical department. Professor Rose was frequently absent and I worked in his own office, if only to be able to answer the two telephones there.

Q What else do you have to say about your activity?

A Professor Rose was often on official trips and mostly at his military office. Consequently I was well informed as to his official and private activities. I opened all his mail, informed him of its contents by phone, took care of the answers by dictation or on his telephonic instructions, and kept his files in the Institute. I also had to take care of his scientific work, take excerpts from scientific periodicals for him regarding his scientific field, etc. Finally, I also had to take care of those matters which concerned Rose's activities as co-editor of the Handbook for Tropical Diseases.

Q Did Professor Rose work on typhus in his laboratory, or did his collaborators do so?

A No, at any time there was no work on typhus. Nor did I ever hear that that occurred either subsequently or previously. The old work reports that I saw when I worked in the files had not mentioned in them of any work by Rose on typhus.

Q What then did Professor Rose's department work on.

A That can readily be seen from the annual reports of the Robert Koch Institute, which contained a summary of all the work in progress, even work that had not been concluded. Professor's Rose's department was called the tropical disease department of the Robert Koch Institute. There was a great breeding activity going on there where mosquitoes, flies, and so on were bred. Also animal experiments were carried out. Above all there was mice, rats and cats, hedgehogs and such animals. Also there was an aquarium. Crabs and other marine animals were also bred and used for experiments.

Q What sorts of diseases were experimented on in this Tropical Medicine Department?

A Above all malaria. At first with dysentery, amoebic dysentery, and a disease that had something to do with snails, fish and crabs; particularly, there was work on the role played by flies in transmitting intestinal diseases. Moreover the department delivered many mosquitoes infected with malaria to hospitals or clinics for their own research.

Q Did Professor Rose take care himself of the work that had to do with malaria research?

A At first when I was there he did it with intensity. Later when he came to the department only infrequently he had such questions, even if they were directed to him personally, turned over to the assistants. I read such reports to him over the phone and turned them over for immediate settlement, when, as often happened, Professor Rose was absent.

Q Were patients treated in Professor Rose's department?

A When I was first there Professor Rose did have patients with tropical diseases. Moreover many people came to be vaccinated. These inoculations were subsequently taken care of by the assistants. Patients treated by Professor Rose personally I had to turn away when they reported, and give them the address of the three other tropical medical institutes in Berlin, Professor Wernicke, Professor Haver, and Professor Siemann. Because he had so little time Professor Rose, when I was there, did not have any private practice. Patients who needed hospital care he turned over to the Virchow Hospital, but from 1943 on he had his own department with 20 beds. This department also he left in the care of two Army doctors with experience.

Q Do you know whether Professor Rose, or his collaborators, carried out human being experiments?

A That, as far as I know, happened only once. Professor Rose had discovered a new type of worm which caused epidermal diseases. When the gentlemen were unable to infect animals with this disease, Professor Rose and a few of his assistants, infected themselves, and the infection took in a few cases. Also a few of the assistants intentionally infected themselves with malaria. Moreover, all matters that had to do with malaria, all persons in his department who had to do with malaria fell ill with malaria at one time or another in the course of years. Moreover, mosquitoes infected with malaria were sent for research and therapy to the larger hospitals, but these were not experiments, but infections for other purposes of discovering treatment.

Q And as to human being experiments outside the department you heard nothing?

A No.

Q You said before Professor Rose did not work on typhus?

A No.

Q Well, then who did work on typhus in the institute?

A Professor Haagen, together with Professor Gildemeister, and later Professor Gildemeister alone. The typhus department was in a separate building of the Institute.

Q Were there connections between Rose's department and the typhus department?

A No. Professor Gildemeister forbade anyone entering the typhus department, because of the danger of infection. Moreover we had no other contact with Professor Gildemeister's co-workers,

since we had our own housing, dining room, and so forth, there was no need for any connection between the two departments.

Q. In September 1943, Rose was in Copenhagen in connection with the question of increasing production of typhus vaccine; do you know anything about this?

A. Yes.

Q. Please tell us about it in detail?

A. The General of the Medical Service asked Professor Rose to negotiate directly with the serum manufacturer in Copenhagen. This is General Schrieber of the Wehrmacht, he asked to find out if there could not be produced typhus vaccines for the German Wehrmacht. This trip of Rose was without any consequences, because the Copenhagen Institute turned his request down. After his return Rose drew up a report on the trip, which he sent among others to Geheimrat Otto in Frankfurt, to the Behring Werkes, and to Professor Gildemeister, as Chief of the Typhus Department in the Robert Koch Institute. Professor Rose brought back from Copenhagen a few samples of the typhus vaccine, or if he did not do so at any rate he received them immediately thereafter. Professor Rose transmitted these samples to the aforementioned persons, including Professor Gildemeister. Then Professor Rose concerned himself no further about the matter.

Q. Witness, I show you in this connection Document Book No. 12 of the Prosecution. On pages 36 to 56, Document 265, Prosecution Exhibit 287, there is a diary by one Dr. Ding regarding his human being experiments in the concentration camp of Buchenwald. Please turn to page 53 of this document book then under the date of 8 March 1944, you find the following entry. I quote: "Typhus vaccine, Experimental Series No. VIII. 8 March 1944. On Professor Rose's subject the Copenhagen vaccine (produced from mice livers) was tested for its protective qualities on human beings." What do you have to say about that?

A. As I have already said, Professor Rose sent all the samples of vaccine that he had brought back or had received from Copenhagen,-- whether he sent them to persons other than the three I mentioned I can no longer say under oath today, but most assuredly he sent no sample to a concentration camp or to an SS office or to any Dr. Ding, whose name I heard first in connection with this trial. If I had heard it I should certainly have recalled it. I am inclined to believe on the contrary that Professor Gildemeister was the one who sent these samples on, with an indication that he had received them from Rose to be tested in his laboratory. This is the only way I could explain this entry here, which is made only 9 months after the Copenhagen trip.

THE PRESIDENT: Counsel, what was the date of the entry in the Ding diary to which you referred?

MR. HARDY: Page 49 of the English, your Honor.

THE PRESIDENT: We haven't it here.

DR. FRITZ: The date is 8 March 1944, until the 18 of March 1944.

THE PRESIDENT: In the description sheet of this witness it is stated she worked for the defendant Rose from 1939 until 1943, not 1944, is that correct?

BY DR. FRITZ:

Q. Yes, now I must say the following in this connection, Mr. President; first in my copy I cannot read the last digit in the identification of the year; it is one 4; I only assumed it is 1944, my copy being unclear; witness, can you clarify this?

A. After I left Professor Rose when he was in Berlin on business, I did work for him thereafter. From seeing the mail, I knew a little, but I never heard anything about this Dr. Ding or any such matter.

Q. The Copenhagen trip took place when?

A. The Copenhagen trip took place while I was working for Rose and at that time the vaccine was passed on.

Q. It occurs to us now that this entry is considerable later than that trip?

A. Yes; and I know that the Copenhagen trip was included in the file and stored and Professor Rose never asked about it again.

THE PRESIDENT: I desire that the matter be clarified.

BY DR. FRITZ:

Q. When did the Copenhagen trip take place; I have it down for September , 1943 in my notes?

A. Yes, autumn of 1943 was the date.

Q. You were then employed as private secretary by Professor Rose at that time?

A. Yes.

Q. And this entry that I have just put to you, but which you had not previously seen, refers to 1944 and I ask you what you, on the basis of your own knowledge of the year 1943, can say about this entry, and the words that interest me are: "On Professor Rose's suggestion such and such a series of experiments?"

A. I cannot imagine what is going on here, because Professor Rose abandoned this whole matter in 1943 and as long as I was there, he never asked me about the business nor were any inquiries directed to us from outside on this question. Professor Rose did not interest himself in this question and I believe I can say from what I know about the affair that he undertook this Copenhagen trip because he was asked to do so and knew the set-up in Copenhagen and had two special vaccines. We hoped that we could augment our supply of vaccine but when the trip turned out to have been in vain, that finished the matter for Professor Rose.

Q. And now one more question; the vaccine samples that you mentioned which Professor Rose brought back with him or which were sent to him after the trip, did he pass them on while you were still employed by him?

A. Yes, whether that was done in writing or whether one of the assistants simply was asked to carry the samples over, that I do not know.

Q. Now another question; at the typhus department a number of foreign guests were introduced to the methods used; did these foreign guests also visit Professor Rose?

A. Occasionally gentlemen dropped in who said that they had worked at the typhus department and who wanted to be introduced to Professor Rose. I remember there was a Turk, who kept on coming back because he insisted on talking to Professor Rose, however, he did not speak to him at all, because at this time Professor Rose was on an extended official trip. We told the other gentlemen who dropped in that Professor Rose was too busy and he did not receive anyone in the institute.

Q. What were the relations in general between Gildemeister and Rose?

A. The personal relations between them was not auspicious, Professor Gildemeister was a very punctilious and bureaucratic man and it was of great importance to him that he should receive due respect as the superior, he concerned himself with every trifle. Professor Rose, on the other hand, was a very independent person, very generous and permitted great freedom in our work. These differences in character caused frequent friction between the two men. It also must be said that Professor Rose could become very excited and used very drastic language when he was annoyed by red tape and even when he was talking to the President, he did not restrain himself.

Q. How did you know that; were you present at such events?

A. Yes, Professor Rose only went very infrequently to Dr. Gildemeister and if possible settled everything by phone. When he made these phone calls, he did not want me out of the office, because I had to take notes, consequently, I frequently heard the conversations or at least his half of them. It was also his custom to have the personal conferences that he had with the President taken down immediately for the records so that at least their contents should be recorded. From this also I could see

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that there were very frequent differences of opinion between the two gentlemen.

Q. Now, at the beginning of 1943 Professor Rose became Vice President of the Robert Koch Institute; is that true?

A. Yes, on April 1st.

Q. How did this work out?

A. Practically it had no consequences, Professor Rose joined the air force and could not exercise his function as vice president. It was said around the institute in those days that Professor Gildemeister had strenuously opposed Rose's appointment as vice president. The reappointment of a vice president at this time was in connection with the reorganization of the Prussian institute back for a Reich's institute on April 1, 1942, however, Rose's appointment occurred only on April 1, 1943. This delay was attributed only to Gildemeister's opposition.

Q. Here in this trial Professor Rose has been characterized by the Tribunal as Gildemeister's closest friend and collaborator, particularly in the field of typhus; is that so far as you know correct?

A. Now as I have already stated, the personal relations between the two men were not good and there never could have been anything such as a close friendship between the two, rather the contrary is true. Also there was no agreement in scientific matters between them insofar as I could judge as an untrained observer; on the contrary the two gentlemen frequently had altercations. Gildemeister did not work with Rose in the field of typhus, now was there any connection between the typhus department

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and the department for tropical medicine. I never took down any dictation from which it can be seen that typhus experiments were discussed by the two men with one single exception, about which I will be subsequently examined. There was no connection or collaboration between the two departments or men and this shows that neither Professor Rose nor any employee in his department found out, except for the fact that someone felt ill when the laboratory assistants were one after the other injected by Girdemeister in the typhus laboratory, despite the fact that they had received protective vaccines.

Q The Prosecution asserts further and has submitted documents to the effect that Professor Girdemeister took part in the typhus experiments in concentration camps and that Professor Rose took part in the planning and carrying out of these experiments; do you have anything to say about that?

A I can say most definitely that I knew nothing about that; if Professor Rose ever worked with Professor Girdemeister on typhus I should have certainly found out anything on that sort. There was scientific collaboration between the two men at all. Professor Rose simply submitted the official reports of his department that was all otherwise he worked completely independently in his department and not in connection with Girdemeister.

THE PRESIDENT: The Tribunal will now be in recess until 1:30 this afternoon. I was in error, I forgot the Tribunal recesses until 10:10 tomorrow morning.

(A recess was taken until 10:10 Hours

17 April, 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 17 April 1947, 1030, Justice Beals presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal I. Military Tribunal I is now in session. God save the United States of America and this Honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain if all the defendants are present?

THE MARSHAL: May it please Your Honor, all the defendants are present in court.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court.

The Tribunal will sit this morning until 12:30 without any recess. Counsel may proceed.

LOTTE BLOCK - Resumed

DIRECT EXAMINATION

BY DR. FRITZ (Counsel for the defendant Rose):

Q Witness, I have a question first of all regarding your testimony yesterday ---

THE PRESIDENT: I will remind the witness that she is still under oath.

Q I showed you yesterday Ding's diary and you testified yesterday that you held it unlikely that the entry of March 1944 was correct, according to which the series of experiments with the Copenhagen vaccine was supposedly carried out on the suggestion of Professor/ Will you tell the Tribunal briefly how you came to this conclusion?

A When in 1943 Rose returned from his trip to Copenhagen, the samples of typhus vaccine were immediately distributed. Professor Rose sent the documents to be filed and regarded the whole matter as settled. The documents were put away. If Professor Rose had wanted to work on this matter further or had expected further shipments of the vaccine, he would have made a note to that effect on the documents. That, however,

did not take place. Professor Rose never inquired further regarding these filed documents and while I was working there no further documents arrived about this matter.

Q. And you were employed by him until the end of December 1943?

A. Yes.

Q. I continue now with my examination. Do you know anything about human being experiments with typhus?

A. No.

Q. Do you know anything about a conversation that Rose had in the Spring of 1943 regarding typhus, or several conversations?

A. No, with the exception of one between Professor Rose and Professor Gildemeister.

Q. Did Professor Rose have a conversation with Staatssekretaer Conti?

A. Professor Rose was asked to go on an official trip with Gildemeister and returned from this trip very upset, asked me to arrange for a conversation over the telephone between him and Conti, and then to arrange a date for a conversation with Professor Gildemeister.

Q. Please state this in detail, witness.

A. When he returned from his talk with Professor Gildemeister, he dictated to me a memorandum regarding his talks with Conti and Gildemeister. He was very excited at that time and I can still recall that Professor Rose, along with Professor Gildemeister, had seen typhus experiments on convicts condemned to death in Buchenwald. Rose characterized these experiments as completely useless and unethical to Conti, and that one could discover no more from them than from animal experiments. However, he did not succeed in inducing the Staatssekretaer to have such animal experiments undertaken. In the discussion with Professor Gildemeister there was hardly mention of these experiments. Professor Gildemeister complained to Rose that Professor Rose had acted contrary to discipline and against his orders and behind his back, when without his knowledge he went to have a conversation with Conti and told him that he

was intervening in matters that did not concern him and which belonged within the sphere of work that pertained to Professor Gildemeister. He should have asked Gildemeister to take part in the talk with Conti. I cannot recall further details today. The memo I mentioned was several pages long. I know also that Professor Rose was very earnest and excited and made no side remarks, such as he often made when he was dictating. After concluding the dictation he warned me, which is another thing he seldom did, to observe strict silence to everyone, and immediately left the Institute without being seen or talking to his assistants, which is another thing that he did not often do. The conversation between Professor Gildemeister and Professor Rose must have led to serious altercations between the two men because from then on, whenever there were telephone conversations, Rose was very formal in his behavior. Up until then he had always addressed Professor Gildemeister as "Mr. Gildemeister" or "Esteemed Colleague", and now he used the address "Mr. President" and confined himself to the absolute minimum. Also his mode of expression became very circumspect and he avoided making any remark of a drastic nature to Professor Gildemeister, which previously he had often done in conversation.

Q In your last answer you said that Rose was with Gildemeister in Buchenwald. The interpreter said Dachau.

A. Yes, it was Buchenwald, and not Dachau.

Q Can you tell us how you saw Rose's work during the war being carried out?

A. In the beginning of the war Rose had militarily little to do. He simply took a few brief official journeys, did a great deal of work in the Institute, and was dressed almost always in civilian clothing. In the Winter of 1939-1940 and in the Autumn of 1940 Professor Rose resided in Russia for several months working on the transfer of Germans to the East. After his return his military work increased in scope. He set up a second office in the Air Ministry and there was a direct telephone line laid between the office at the Army Institute and the Air

Inspectorate. From 1941 on Professor Rose, because of his time being taken up with military matters, often did not come to the Institute for weeks, even when he was in Berlin. He simply had the mail read to him over the phone, gave instructions by telephone and dictated urgent matters, and discussed technical matters with the assistants, whom I had to call to the phone.

Q. How then did you work as private secretary when Professor Rose was at the Medical Inspectorate and you were in the Robert Koch Institute?

A. As I told you, I had to attend to auxiliary scientific work and to getting extracts of a scientific nature, which I did in the library or in the office. I also discussed the current mail on the telephone and transmitted it when necessary. If something very pressing came up and Professor Rose was unable to come to the Institute, I went out to the Medical Inspectorate. Moreover, Professor Rose dictated to me usually in the evening in his apartment from 7 until 11, dictated his private mail, his scientific work, office correspondence, and sometimes military matters.

Q. How often did Rose come to the Institute after he had taken up his military activity?

A. That depended, sometimes two or three times a week. Sometimes for one or two months he didn't come at all and then there would be weeks when he appeared more frequently.

Q. At the end of 1943, why did you terminate your employment with Professor Rose?

A. Professor Rose was hardly in Berlin any more and the military office was removed elsewhere. I myself wanted to remain in Berlin and I did not want to work with Professor Gildemeister.

Q. Now, witness, another matter; did Professor Rose or one of his collaborators work on yellow fever?

A. No, as long as I had anything to do with the department there was no work on yellow fever. Yellow fever vaccine was produced in the Robert Koch Institute, but only in the Virus department.

Q. And who was in charge of this Virus department?

A. Professor Haagen and after he left, Professor Gildemeister.

Q. Now a few questions on the malaria problem; with whom did Professor Rose work on the malaria question?

A. On one hand with the assistants in his department, also with Obermedizinalrat Dr. Bagel, who was director of a sanatorium at Arnsdorf near Dresden. This was in the course of collaboration, and when the postal service broke down at the end of the war his assistants frequently went there. Professor Rose was also frequently in Arnsdorf near Dresden to discuss problems. From 1942 on he worked also with the Institute Eberswalde near Berlin. He had his own assistant from there come frequently to Berlin and reported to him or to the assistants on the work in Eberswalde. We also corresponded on the question of malaria with industrial firms Bayes in Leverkusen and Elberfeld, but these were simply prophylactic means of combating malaria.

Q. Did Professor Rose have any malaria work with the Hamburg Tropical Institute on malaria?

A. No, he held lectures at the Hamburg Tropical Institute and was a member of the scientific senate of the Hamburg academy, and he supplied scientific articles to their papers. He was also a member of the Board of Directors of the Tropical medicine society in Hamburg, but regarding his own work he did not have correspondence with these gentlemen.

Q. Did Professor Rose have any correspondence with Dr. Schilling on malaria?

A. No, Dr. Schilling simply corresponded with the assistants on the malaria question.

Q. Did Professor Schilling receive any malaria material from Dr. Rose?

A. When Dr. Schilling set up his laboratory in Dachau, he wanted to visit Dr. Rose in the institute, but did not happen to run into him as Dr. Rose was on an official journey. He then asked the technical assistant, Erna von Falkenhayn to give him anopheles eggs and strain mosquitoes for his work in Dachau. This the assistant did and when Professor Rose returned from his trip, Miss von Falkenhayn told him that Professor Schilling had been there and that she had sent him material to Dachau. Thereupon Professor Rose asked Miss von Falkenhayn not to make any future deliveries to Dr. Schilling, since he was not convinced that Dr. Schilling's research would be successful and he did not want to waste his valuable material for his useless attempts. I was struck at this time by the attitude on Dr. Rose's part, since the delivery and sending of such material was always taken care of in routine fashion by the assistants. It was sent to hospitals and such places and was usually called to Dr. Rose's attention afterward.

Q. Then, if I have understood you correctly, the reason was that Professor Rose did no longer wish his material to be sent to Professor Schilling and the reason for this was that he did not approve of Schilling's research activities, or at least did not think they would be successful.

A. Yes, that was so. I was present once when he spoke with Miss von Falkenhayn and he said something to the effect: "Professor Schilling has had no reasonable success so far with his malaria experiments and he won't have any this time." His stock of mosquito strain had been greatly reduced during the war and he wanted them for his own work and for work from which one could expect some sort of scientific success.

Q. Did you see any reports on Schilling's work in Dachau among Dr. Rose's files?

A. No, there were none.

Q. You saw nothing in writing that had to do with Schilling's activities?

A. Once, Dr. Rose, on request of the Ministry of the Interior, drew up an extensive report on Professor Schilling's research work; I myself wrote this report. Professor Rose categorically repudiated that research work and recommended for economic and practical reasons that research work should no longer be supported by state funds in this work. This report was on a trip when the request for it came and he went away on another trip right away, it seemed the matter was pressing. I, myself, took the document personally to the Ministry of the Interior.

Q. Do you know when this took place; in what year?

A. At the end of 1941.

Q. Was there mention in this report of work in concentration camps?

A. No and if there had been such mention it would certainly have occurred to me as at that time I had not heard of work in concentration camps and I would have noticed it.

Q. When did you for the first time hear of experiments on human beings in concentration camps?

A. From newspaper reports, after the collapse.

Q. In other words, from Dr. Rose's conversation or in other ways you found out nothing about experiments in concentration camps?

A. No, with the one exception of the conversation between Conti and Gildemeister.

Q. One last question, witness; for what reason did you voluntarily appear as a witness for Professor Rose at this Trial?

A. At the beginning of this trial I found out through a notice in the Zeitung that Professor Rose was a co-defendant and your name was mentioned as that of his counsel. Then, on my own initiative, I wrote to you and placed myself at your disposal as a witness. I did so because, as Professor Rose's former private secretary, I felt I knew so much about him and his work that I held it to be impossible that Professor Rose should have anything to do with crimes against humanity or war crimes in any form or could have known of them.

Q. Mr. President, for the moment I have no further questions to this witness.

BY THE PRESIDENT:

Q. Witness, you stated that you first heard of experiments in the concentration camps from newspapers;

what newspapers do you refer to?

A. After the collapse I was in Berlin, the Berliner Tagesbeigel, I believe, was the first paper to mention it, then the Neue Zeitung had an article on the subject. I also saw something in the Swiss paper that somehow or other was sold in Berlin, but I cannot tell you what that paper was now.

Q. When was that and what time?

A. In 1946.

Q. Does any defense counsel have any questions to propound to this witness?

BY DR. FLEMING: (Counsel for Defendant Krugowsky.)

Q. Witness, in your direct examination, you stated that Professor Rose was very upset when he returned from his trip to Buchenwald and he commissioned you to arrange for a conference with Conti, he then dictated a memorandum to you about this conference with Conti; from this memorandum could it be seen what connection Conti had with the experiments in Buchenwald?

A. No.

Q. Can you tell me anything more about this conference between Dr. Rose and Conti as set down in this memorandum?

A. No, I can only remember that Conti had said that he could not entirely agree with Professor Rose's argument, but that is so long ago that I cannot make any statements now under oath about it.

Q. No further questions.

THE PRESIDENT: Any further questions to the witness by any other defense counsel? There being none, the Prosecution may cross-examine.

CROSS EXAMINATION

BY MR. HARDY:

Q. Mrs. Block, when did you first enter the employ of Professor Rose, the day, the month and the year, please?

A. Between one and ten September 1939.

Q. When did you complete your employment with Professor Rose?

A. At the end of December 1943.

Q. Now you have outlined for the Tribunal the duties which you had while working as a private secretary to Professor Rose, at any time during the course of your duties, did you encounter any secret or top secret correspondence?

A. Never.

Q. If Professor Rose had received correspondence of a secret or top secret nature, would he have permitted you to handle said material?

A. I believe so, yes.

Q. Even top secret material?

A. Yes.

Q. Well now you have stated that Rose's work did not deal with the field of typhus research, is that right?

A. Yes.

Q. You have further stated that the greater part of the work in the tropical disease department of which Rose was the Chief, that breeding activities from mosquitoes, flies and other insects were perhaps a major task?

A. Yes, that is so.

Q. You have stated that the various mosquitoes were handled by Rose at hospital and other research stations, is that right?

A. Yes.

Q. Well now in connection with these activities concerning Dr. Schilling, you have stated that Dr. Schilling was working at Dachau. How did you know he was at Dachau?

A. Professor Schilling came to the Robert Koch Institute one day,
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Professor Rose was not there but Miss Von Falkenhayn, who had previously worked with Professor Schilling, came over to my office and brought Professor Schilling along. Professor Schilling said he would like to have anopholes eggs and mosquito eggs and then went into some detail saying he wanted to erect a research institute at Dachau.

Q. Kindly tell this Tribunal the month and the year that Professor Schilling visited the Robert Koch Institute to secure these mosquito eggs?

A. I believe it was 1941.

Q. 1941? Was Professor Schilling working at Dachau in 1941?

A. I seem to remember that he said that he had previously worked in Italy but that because of general difficulties he wanted to work thereafter in Germany, and that the Ministry of the Interior had offered him a place to work at Dachau?

Q. How many letters did Dr. Rose write Dr. Schilling in care of Dachau?

A. None at all.

Q. Are you certain?

A. I at any rate received none, none were dictated to me.

Q. Would it have been possible for Dr. Rose to write Dr. Schilling at Dachau without having dictated the letter to you?

A. No, because there was no one else who could write for him.

Q. Did Dr. Rose ever write letters himself without dictating them?

A. Well whether he did that or not I don't know, but I don't believe so.

Q. Now you stated that Dr. Rose for considerable periods of time would be away from the Robert Koch Institute. Who would he dictate his letter to during that time?

A. Nobody, the mail piled up so far as the assistants could not take care of it and so far as I couldn't, and then if something seemed very pressing, I sent a letter to the person who had sent the letter to us saying that Professor Rose was on a trip and asked him what to do.

Q. Well now you think that Professor Schilling came to the Robert Koch Institute in 1941 and secured these eggs for the malaria strain from one of the laboratory assistants, is that right?

A. Yes, Miss Von Falkenhayn.

Q. Did he ever come back in 1942?

A. I don't know. I can only remember having seen Professor Schilling once in my life.

Q. Did you see any correspondence in the year 1942 with any one in the Robert Koch Institute concerning Schilling's work at Dachau?

A. No.

Q. Did you see any correspondence in the year 1943?

A. No.

Q. In other words, the only thing you ever heard concerning Dr. Schilling's work at Dachau was upon his visit in the year 1941?

A. Yes.

Q. Now, concerning Professor Rose's trip to Copenhagen in what month in the year 1943 did Professor Rose journey to Copenhagen?

A. August.

Q. August, 1943. The purpose of his visit was to discuss the production of typhus vaccine, is that right?

A. Yes.

Q. He was sent to Copenhagen by General Schroiber, is that correct?

A. General Schroiber asked him, since he had good connections with foreign institutes, I believe to the Ipsen Institute, to go there as a private person in order to get vaccine since we had too little of it, because we needed more vaccines than we could produce.

Q. What type of vaccines were they producing in Copenhagen, do you know?

A. No, I don't.

Q. Did you ever hear what type of vaccine they were producing? Was it from rabbits' lungs or mice lungs or from mice liver?

A. I think mice were involved but whether it was lungs or liver

I don't know.

Q. Wasn't it common to use nice lungs to produce vaccines?

A. I don't know.

Q. Now you stated that when Rose returned from his trip that he reported that the trip was to no avail; that the people in Copenhagen were unwilling to produce the vaccine as desired, therefore, Rose made a report, and he sent this report to three sources or three authorities, would you kindly tell the Tribunal again to whom Professor Rose sent this report?

A. Geheimrat Otto at Frankfurt on the Main, to Leverkusen and to Professor Gildemeister as director of the typhus department and president of the institute.

Q. Would you repeat the second one again? I am sorry I did not understand?

A. Leverkusen or the Behring Works. Leverkusen is a locality.

Q. It was the Behring Works and then he sent a report to Gildemeister at the Robert Koch Institute and one to Geheimrat Otto and he reported no further?

A. That is right. I cannot remember that he reported anywhere else.

Q. He did not report to Professor Conti, did he?

A. I don't think so, but I am not sure today. I do not seem to recall Conti's name in this connection.

Q. Well now you stated that Rose brought back or later received some samples of this vaccine from Copenhagen, and that he transferred these samples to the same people to whom he sent a report, namely, the Behring Works, the Robert Koch Institute, care of Gildemeister, and to Geheimrat Otto, is that what you wish to tell us?

A. Yes, I don't remember to day any longer, but Dr. Rose either brought samples with him or they were sent to him very shortly thereafter. However, they were only very small, only a few little test tubes, and he gave instructions that the samples should accompany the

report.

Q. Well now you state that Rose never sent any of these vaccines to a concentration camp, is that correct?

A. Yes.

Q. Did he ever send any to the Hygiene Institute of the Waffen SS?

A. No.

Q. Did he ever send any to Professor Dr. Joachim Brugowsky?

A. No.

Q. Did he ever send any to Dr. Erwin Ding?

A. No.

Q. You are positive about that witness?

A. As long as I worked with Rose I heard neither the name of Ding which was entirely unknown to me until I heard it now, nor so far as I can remember, the name of Brugowsky, which to be sure I know from having read reports in the newspapers, nor did I ever have any correspondence with these gentlemen.

Q. You have never seen any correspondence with Dr. Brugowsky?

A. No.

Q. Are you certain that Dr. Rose didn't have another Secretary?

A. He had a typist with the Luftwaffe.

Q. Do you consider it possible that he could have carried out these matters with Dr. Brugowsky and Dr. Schilling through his staff in the Luftwaffe?

A. From what I know of the matter I don't believe so. The German Army was very peculiar and I do not believe that a German officer could have settled matters that were not of an immediate military nature in his military office.

Q. Well, now you have stated that Rose could not have sent any of these to concentration camps, and he did not send any to an SS office or to Dr. Ding. However, on direct examination you also stated that whether or not Professor Rose sent these vaccines to other than the three people, or the three organizations you mentioned, that is the Behring-Werke, the Robert Koch Institute in care of Gildemeister, and to Geheimrat Otto, that you could not say. Now, I am asking you to be consistent. Can you definitely state on oath that Professor Rose never sent vaccines of any type to an SS office, to Dr. Ding, to Dr. Krugowsky, or to a concentration camp?

A. The Copenhagen vaccines were in the Robert Koch Institute at first. Professor Rose never had them first in his hands nor did he send them off. He didn't send them to Ding or Krugowsky, that I know. They went to the three places that I mentioned before. There was such a small amount no more could have been sent.

Q. Did Professor Rose indicate what happened at the Military Medical conference at the Berlin Academy in May of 1943 after Dr. Ding had reported on his experiments with typhus at the Buchenwald concentration camp?

A. No, not to me.

Q. He never mentioned that to you?

A. No.

Q. You have stated that when Professor Rose returned from his visit to Buchenwald - that is the time when he accompanied Professor Gildemeister - that he was completely dissatisfied with what he saw at Buchenwald. Now realizing, as you have stated, that Professor Rose was a very dramatic and drastic fellow, will you kindly tell the Tribunal just what he said which indicated to you that he was completely dissatisfied with what he saw at Buchenwald?

A. He said nothing at all. When he came back, he said that I should get in touch with Conti and Gildemeister. Then, after having this talk with Conti he returned to the Institute. This was the first time he came

to the Institute since returning and without going into anything personally he wrote to Conti.

Q. What do you suppose he wrote to Dr. Conti? Were you able to ascertain why he decided to write to Conti?

A. He wrote at the top something like "conference with Conti".

Q. What conference was that? Was that the conference that Rose and Gildemeister and several others had with Conti in December 1941?

A. Subsequent to the trip to Buchenwald.

Q. Yes. Do you remember when that conference was that you suggest was subsequent to the trip to Buchenwald? Was that prior to the establishment of the Buchenwald Institute?

A. I know nothing at all about any institute in Buchenwald.

Q. Well, now you state that Dr. Rose was referring to his conference which took place before his visit to Buchenwald and when he returned, after being dissatisfied about what he saw at Buchenwald, he wrote to Conti. Now, can you tell us, with your knowledge of the files, your knowledge of the activities of Professor Rose, can you tell us just when this conference took place that Professor Rose had with Conti prior to his trip to Buchenwald?

A. Before his trip to Buchenwald he didn't talk to Conti at all. He made an official trip after the visit, the purpose of which I was not informed of and I didn't know he was going to Buchenwald. When he came back, he said that he wanted to have a talk with Conti and then from the memoranda I could subsequently deduce that he had been to Buchenwald.

Q. Well, had he ever had any conferences with Conti prior to the trip to Buchenwald? He must have if he had determined that he wanted to see Conti regarding the Buchenwald situation.

A. Of that I know nothing.

Q. Don't know anything about that?

A. No.

Q. Did Professor Rose ever go to any conference with Gildemeister concerning typhus matters? That is, did Gildemeister ever invite him to

attend conferences regarding typhus?

A. No. That I know for sure.

Q. How do you know that for sure?

A. Because Professor Rose and Gildemeister, as I have said here, were not on very good terms.

Q. Well, now just a moment, witness. How do you account for the fact that Professor Rose and Gildemeister visited Buchenwald together?

A. I don't know. They were ordered, I guess.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: Has defense counsel any further questions of the witness?

DR. FRITZ: No further questions, Your Honor.

THE PRESIDENT: There being no further questions to be propounded to the witness, the witness will be excused.

DR. FRITZ: With the approval of the Tribunal I should like to call the witness Professor Dr. Hoering.

THE PRESIDENT: The Marshal will summon the witness Felix Hoering.

FELIX HOERING, a witness, took the stand and testified as follows:

JUDGE SEBRING: Please hold up your right hand and be sworn.

I swear by God, the Almighty and Omniscient, that I will speak the truth and will withhold and add nothing.

(The witness repeated the oath.)

DIRECT EXAMINATION

BY DR. FRITZ:

Q. Professor, won't you please state your full name?

A. Dr. Felix Otto Hoering.

Q. When were you born?

A. On the 22nd of July 1902 at Frankfurt on the Main.

Q. What is your present residence?

A. Tuebingen, Justinus Kernerstrasse 35.

Q. Would you please shortly describe your career to the Tribunal.

A. After having passed my matriculation examination at Stuttgart in
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the year of 1920 I studied medicine at Tuebingen, Vienna, Kiel, Berlin, and Munich. I then started to practice at the City Hospital at Mannheim for a period of three years. In the meantime I studied pathology for half a year at the Pathological Institute at Rostock. In 1929 I was hygienist for a half year at Heidelberg. Then for nine years I was assistant for medical clinics at Kiel and Munich. I qualified as a lecturer for internal medicine in the year of 1935 in Munich. In January 1938 I followed a wish which I had long since followed and went abroad. This was due to the fact that as a clinic worker I was always interested in the field of infectious diseases and that ever since the early 1930's I had the desire to study infectious diseases outside of Europe personally. I first went to Antwerp where I gained the diploma in tropical medicine. Then for five months I was in London with the Bureau of Scientific Research. From there I went to Brazil and worked with the Rockefeller Institute for the first part of my stay there at Rio de Janeiro under Dr. Fred L. Sopher.

Q. And what are you doing now, Professor?

A Ever since the 1st of April, 1944, I am the chief physician of the University medical clinic and the head of the medical polyclinic at Tuebingen. In addition, I am lecturing on medical polyclinic medicine.

Q So you are now a professor on the medical faculty of the University of Tuebingen?

A Yes. I hold the title as an extraordinary professor since 1941. In the year of 1944 I changed my residence from Munich to Tuebingen, after having gained my *venia legendi* in the field of tropical medicine in the year of 1942, which means that I am now a professor for internal and tropical medicine.

Q You made publications in the tropical medical field, didn't you?

A Yes, some contributions in periodicals. The best known probably is the book which was published in the year 1936 entitled "Clinical Teaching of Infections". In the tropical medical field I published some work in the field of yellow fever which appeared in English, Brazilian and German periodicals. I further published some work about malaria. A work regarding that subject will soon appear in the journal for tropical medicine in London.

Q What did you do during the war?

A At the end of July, 1939, I returned to Germany from Brazil in order to leave again for abroad after a short vacation. In the meantime, however, the war had broken out. I was drafted into the army as an assistant physician. I went through the Polish and French campaigns as a physician with the front troops. In July, 1940, I was transferred to the tropical institute of Professor Rodenwald at Berlin. From May, 1941, onwards I received a number of special assignments, mainly in connection with the combat of malaria. That was in the Balkans and in Southern Russia. In 1943 I became consulting internal medical expert with the army in Greece. On the 1st of April, 1944, I was sent to Tuebingen

where I headed the hospital and simultaneously carried on in my civilian capacity as a university professor. In January, 1945, I was again transferred to the army as a consulting expert on internal medicine. On the 8th of May, 1945, I was captured by the Americans in Austria. At the end of May I received the assignment to institute a hospital for DPs at the reception camp of Hoersching and to head it. I was in charge of this hospital until I was released in July, 1945. I was in charge of this hospital under the supervision of the American physicians.

Q Since when did you know Professor Rose?

A I knew Professor Rose since I saw him at the International Tropic Conference at Amsterdam in the fall of 1933 where he held a lecture. As the head of the tropical medicine department of the Robert Koch Institute I had already known him from before.

Q Do you know him personally?

A Yes. I made his acquaintance in the fall of 1940 for the first time. On that occasion I wanted to ask him whether my wife, who is also a physician, could work for him. My wife then, in effect, worked for him at the Robert Koch Institute for a period of approximately two years. I only saw him after on a few official occasions. There are no social or personal connections between Professor Rose and I.

Q You also participated in the Third Meeting of the Consulting Physicians at the Military Medical Academy, didn't you, which took place in May of 1943? Did you, at that time, take part in the sessions of the Section Hygiene and Tropic Hygiene?

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A. Yes, at that time I was mainly active as an internist with the army. At this meeting I was supposed to hold a lecture about yellow fever. This lecture had been included on the program of the tropic hygiene section where yellow fever vaccine was also to be discussed. For that reason I participated in that session on that morning from beginning on and went to the section of this meeting which dealt with hygiene.

Q. Did you, at that time, hear the lecture given by Dr. Ding about the testing of typhus vaccine?

A. Yes, he was supposed to speak before the subject of yellow fever was discussed and, merely by accident, I was already present at that time. As a rule, I had nothing to do with the typhus vaccine questions.

Q. Can you still remember the contents of that lecture?

A. As far as I remember the lecturer spoke about the influence of various typhus vaccines on the course of an illness and proved that a number of vaccines could be used, whereas other vaccines had less effect.

Q. Could it be concluded from that lecture that these reports were based on experiments on human beings? In other words, intentional infections?

A. Whether that became apparent from Dr. Ding's lecture or whether it only became apparent as a result of the subsequent discussion I can no longer say today with any amount of certainty.

Q. Would you please describe to the Tribunal in detail what happened after Ding's lecture?

A. After Dr. Ding's lecture there followed a discussion. The discussion was opened by Professor Rose. He, at first, referred briefly to the material substance of the lecture which he, by and large, recognized. He emphasized, however, that this was a question of experiments on human beings and that a number of people had lost their lives as a result. Using rather strong words, he pointed out

that any such procedure was a deviation of procedures used for decades in the research of immunity. He said that this was an extremely serious matter and that the hygienists would have to maintain their old principles. Professor Rose spoke for a long time and spoke in sharp words. Naturally, I can no longer recall his words in detail, but I am sure that he voiced the substance of what I have just said. In accordance with his temperament, he did this in strong words which went beyond the customary exchange of words used during such discussions. At any rate, every participant in this meeting was well aware that this was an incident of almost sensational character. For that reason, after the end of that session and during the subsequent days, this incident was discussed among small circles and I can well remember that.

Q. What happened as a result of this speech by Professor Rose?
I am now referring to the time of the discussion.

A. The lecturer, Dr. Ding, replied to Professor Rose and defended his experiments. He admitted that this was a question of experiments on human beings but he said that the experimental subjects were criminals who had all been condemned to death. Professor Rose thereupon once more replied, saying that this didn't change anything in his criticism. He said that we were here concerned with a basical question. Thereupon the discussion was rather suddenly stopped by Professor Schreiber. Generalarzt Schreiber said that if the gentlemen wanted to discuss basical, ethical questions, then they would have ample opportunity to do that after the meeting. In the printed report of the meeting which I read these discussion remarks were not printed.

Q. Didn't you notice that when reading the printed report?
Didn't it come to your attention?

A. No, I would have thought it very surprising if any such discussion at that time would have been printed.

Q Now this discussion took place during a military meeting, did it not? In your opinion, how could Professor Rose's objections be judged from a military and disciplinary point of view?

A Well, from a military point of view, his objection constituted an offense against discipline, for he criticized the attitude of persons who held the leading positions and he advocated that other people would resist any such procedure. Considering the situation in Germany at that time, this alone would have sufficed to get him into a rather awkward position, that is, if any official steps had been taken against him in this matter.

Q Why didn't you yourself adopt any attitude in this matter?

A I was only a guest at that meeting. This whole incident came as a complete surprise to me. I did not know of all these events. At any rate I could not have said anything more than that I was of the same opinion as Professor Rose. Beyond that, Professor Schreiber had already stopped the discussion.

Q The Tribunal has a document before it which bears the signature of Dr. Ding. It is a so-called Diary of Dr. Ding. It says there, among other things, that one of the vaccines which was discussed during that meeting was furnished by Professor Ruge and Professor Rose, for the purpose of conducting experiments on human beings. Was anything like that mentioned during that meeting? Did Dr. Ding mention it, or was it brought up during the discussion?

A I cannot remember anything like that. When replying to Rose's objections the lecturer made no mention of it at all. Such a contradiction would have created attention considering the severity with which Rose expressed himself against the experiments.

Q In the same document it says further, under a different date, that approximately one year later a vaccine was tested in the concentration camp of Buchenwald, which originated from Copenhagen and that this was done upon the initiation of Professor Rose. Do you know about that, Professor?

A No, I know nothing at all about any Copenhagen typhus vaccine, nor do I know anything about tests carried out in concentration camps. I can hardly imagine that Professor Rose had much to do with typhus vaccine. In professional circles Professor Rose was not connected with questions of typhus vaccines. A small circle of other names were used in that connection and I can mention Otto, Eyer, Gildemeister, Haagen, Wohlrab, all of whom I knew were doing that type of work; perhaps I know a number of other gentlemen from the industry and people who were assisting the people whom I just mentioned.

Q According to your knowledge of matters, do you think that the assertion is probable that Professor Rose instigated vaccines being tested in concentration camps?

A After the experience during that meeting which I just described, I must consider this as highly improbable. It would have constituted the exact opposite of what he stated during that meeting. For that reason I was so surprised that Professor Rose is indicted here. When I read that in a newspaper I said to friends of mine that I could not understand that in the least -- that I could not understand why Professor Rose was indicted-- for he is the only person who, in my experience, had courage, at a time when Himmler reigned, to appear in public in the manner I described.

Q Did you hear about other experiments on human beings which were discussed at that very same meeting? I am now speaking of a lecture held by Professor Gebhardt and Professor Fischer about sulfanilamides. That was presumably done at the surgical section of that meeting.

A No, I did not participate in the surgical session, and during conversations I heard nothing at all of any such experiments.

Q Did you participate in the 4th meeting of the consulting physicians in the year of 1944, at Hohenlychen?

A Yes, I was also present during the rth meeting of consulting physicians because I had to hold a lecture there too. The subject was to deal with the clinical treatment of the sand fly fever.

Q Do you know what Professor Rose discussed during that meeting?

A He held a very interesting lecture in the hygiene section about the application of DDT preparations in the combatting of epidemics. In addition, he held a lecture during the general meeting, about damages to health connected with the air war. This lecture, too, demonstrated a great skill in that field which was rather surprising because one assumed that Professor Rose was a little distant to that subject.

Q During that meeting of 1944 was there any mention made of experiments on human beings?

A According to my knowledge, no. In the year of 1943 I heard about typhus experiments for the only time and it was my opinion that this was just a single event.

Q You were saying before, Professor, that in the year 1943, you held a lecture about the clinical treatment of yellow fever. Yellow fever is also a subject of this trial. Did you, during the war, hear anything about experiments on human beings with yellow fever?

A No.

Q During the very same morning you discussed yellow fever, Professor Haagen also held a lecture about yellow fever vaccines. During that lecture of Professor Haagen, was there any mention made of experiments on human beings?

A No. I naturally heard that lecture. Professor Haagen gave us a general survey about the development of protective vaccination against yellow fever and he subsequently reported on the vaccine which he had produced. As far as I remember, he said that he had carried

out a number of vaccinations with the vaccine that he had produced, in order to designate the serum during the mouse protection test. He said that on this occasion he had found similar results as they are generally known in literature. His lecture brought nothing new of general importance. It was merely a summary of the current state of research, which was also the case during my lecture. Both lectures were only designed for general orientation for the purposes of those people who only knew a little about yellow fever. In Germany there had been no previous opportunity to study yellow fever personally.

Q Q You, yourself, however, did you study yellow fever and were active in that field, weren't you?

A Yes. During my stay abroad in the years 1938 and 1939, I directed my attention in particular to that interesting illness and worked on yellow fever questions in Antwerp, London, and Rio de Janeiro.

Q What living German people have gained a reputation in international yellow fever literature?

A Only Professor Haagen. He was the first one to breed the yellow fever strain. He succeeded in doing that in New York, while he was working there with a Rockefeller Foundation. Then there is Professor Hoffmann, of Cuba, but he has been living in America now for decades.

Q So Professor Rose does not apply to that group, does he?

A No. I never heard his name or never read his name in connection with yellow fever.

Q You were saying before that Professor Haagen had made reports about blood tests after yellow fever vaccinations. What kind of blood tests were they, Professor?

A We are here concerned with the mouse protection tests which I already mentioned.

Q What kind of a test is that?

A A vaccinated person or anyone who had survived the illness is used and blood is drawn from his person, from that a serum is created. This serum is mixed with yellow fever virus, and this mixture, after half an hour, is injected into the brain of a mouse, or rather is injected into the brain of a number of mice. If the serum contains enough protection against yellow fever than the mouse concerned will survive that injection. If on the other hand it does not than the mouse will die after a period of a few days. It is probably not necessary to describe this in great detail.

Q Are you yourself vaccinated against yellow fever?

A No, in the year 1938 I had a yellow fever infection which occurred at the laboratory. Fortunately, the illness took a good course, and I managed to survive it, and for that reason it was no longer necessary for me to be vaccinated again.

Q Could you describe to the Tribunal the substance of the yellow fever vaccine; as I understood you before, you were speaking of a living vaccine?

A Yes, as in the case of all vaccines against virus diseases, the yellow fever vaccine is based on the giving of a living weakened yellow fever virus to a person, attenuated virus. This attenuation can be attained in many different ways. For that reason a number of different vaccines are in use in different countries. From my knowledge I am best acquainted with the method which was developed with the Rockefeller Foundation. This method proved itself in America already before the War in millions of cases. In that method the virus is bred with the chicken egg, and then the vaccine is gained through careful working on the chicken embryo. In France the breeding is carried on by using the brain of living mice. This vaccination with living vaccines is based on the fact that every person vaccinated is going through a very light but genuine yellow fever disease. This is true also in the case of vaccine against smallpox, where the vaccination has to be considered the same as though the person were

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going through a light but genuine disease of smallpox.

Q I shall now have the Document Book 12 of the Prosecution shown to you, and you will find Document NO-265, which is the Prosecution exhibit 287, the so-called Ding Diary, which can be found on pages 36 to 56. Professor, will you please look at page 42 of this book, and you will find entries concerning yellow fever vaccines. Do you know anything about this matter?

A No, I know nothing about this matter?

Q Did you know at all Professor, that yellow fever vaccines were produced in Germany?

A Yes, I know that as a result of Professor Haagen's lecture.

Q What can you, on the basis of your general knowledge of the yellow fever question imagine about the tests that are described in this document; let us assume that these entries are in accordance with the facts?

A Well, it is always necessary to test a vaccine, and reading here, -- that living virus is underlined, -- I am just saying here that living virus is underlined. This does not quite follow that only one single test is being suggested, for the question of whether a vaccine is alive or dead depends on whether that vaccine is durable and durability cannot be ascertained by one single injection. The damages which would occur when injection such a vaccine cannot be determined exactly when using the method as is suggested here. At the most, the direct primary damage could be ascertained, but that is something that could hardly be expected. Of course, the effectiveness could be ascertained, with reference to the protection against yellow fever which the vaccine offered, but I can only make very general assumptions after reading this short document.

Q Professor, would you please turn to Page 109 in the same Document Book which is before you; you will find the numbers in the right-hand corner. There you will find the Document of the Prosecution NO-304, which is Prosecution Exhibit 315. It is a letter by Professor Haagen to the Inspector of the Medical Service of the Luftwaffe in Berlin, and it bears the date of 22 October 1942. On the next two pages you find directions for use of the yellow fever vaccine of the University of Strassbourg. Would you please look at that Document, and give us your opinion as to whether yellow fever vaccination constitutes danger. According to the direction of use, it is here said in detail that any infections which might arise would have to be reported immediately; that is at the end of that Document.

A Two different types of damages must be distinguished in the case of yellow fever vaccinations. There can be very direct reactions, which at the most last a half a day and have a rather light course. However, when using the American method of yellow fever vaccinations and using the English method, one has found in various countries that rather undesirable incidents had occurred. A rather high percentage of people vaccinated in the case of certain vaccines did not fall ill of yellow fever, but of jaundice. This is called the 'so-called serum hepatitis. As I have learned from American periodicals, this happened to a large extent during this war in the case of American soldiers. It was found out that the reason was the virus of this hepatitis accidentally had gotten into the strain of the yellow fever virus and that is quite possible for certain technical reasons. I read in an American periodical that they succeeded in changing their technique so that this incident can be avoided with certainty. According to these experiences, it was correct that all infections would have to be reported immediately.

Q Thank you, and now one last question; Professor, could you tell the Tribunal what reputation Professor Rose held as a scientist and as a human being?

A Professor Rose, on the basis of his numerous and valuable contri-

butions in the field of tropical medicine has a wide and good reputation. His work has always excelled in its exactitude in professional circles. He was furthermore known as a man who could exercise valuable and objective criticism and was often feared as such. He exercised this criticism during discussions by putting forward purely material points of view. That too becomes easily apparent when considering the incident which happened during Ding's lecture in the year of 1943, where in spite of the personal danger which may well have resulted for him, he protested against the experiments on human beings, which were reported during that meeting. It was he who spoke in the same sense as we, the German scientific field, who were present during that meeting, and he therefore maintained the good, old tradition of the German medical profession.

Q Thank you, Professor, I have no further question to put to the witness for the moment.

THE PRESIDENT: Are there any questions to be propounded to this witness by any Defense Counsel?

BY DR. FLEMING: (Counsel for the Defendant Mrugowsky.)

Q Professor, you have just spoken about yellow fever; is yellow fever found in Africa?

A Yes.

Q To what extent does the zone in Africa extend toward the north where tropical yellow fever prevails?

A In the east it goes as far as Sudan and in the west up to the territory of Dakar.

Q The territory around Dakar belongs to the territory which is endangered by typhus?

A Dakar is an old yellow fever net.

Q Is it correct that in the home of yellow fever, this disease is especially feared because of its danger, and that such persons suffer particularly heavily as a result of this disease who are new arrivals in such territories?

A From a lay-man's point of view, that is correct; scientifically,

however, it is not quite true.

Q On the basis of your tropical medical activities, do you know that in the year of 1943 an advance of the German African Corps was planned on from Tunis to Dakar?

A No, I did not know that, but from the fact that yellow fever vaccine was produced, I could perhaps assume that this may be the case.

Q In that case, you knew at that time yellow fever vaccine was produced in Germany, and you concluded therefore that such an advance was in effect planned?

A Yes, but that advance could also have been directed to the Sudan area.

Q In the case of any such advance of the troops into a yellow fever endangered territory, would a vaccination of the soldiers become a necessity?

A Undoubtedly.

Q Professor, during your direct examination, you mentioned that in the case of the Americans and English yellow fever vaccines, in the form in which it was produced earlier, many cases of Jaundice occurred; were such or similar complications known when using the vaccine, according to the procedure of say for instance Peltier, which was produced from mice brains?

A I can only say something based on Peltier's work and the work of his collaborators, and in these cases no such incidents occurred.

Q Do you know according to what procedure these protective vaccines were produced in Germany; was the Peltier's procedure used?

A I have just learned from the Document book, where mention is made that the Peltier procedure was applied.

Q The prosecution asserts that inmates were injected with yellow fever in a concentration camp; according to our material however we were only concerned with protective vaccinations, using the Peltier method. Would an artificial infection of human beings after such a protective vaccination have been necessary?

A Do you mean would it have become necessary in order to prove the effectiveness of the vaccine?

Q Yes.

A No, it would not have been necessary because in the case of yellow fever one can find out the immunity by using the mice test without infection.

Q Mr. President, I am being told that an error occurred during the translation. I asked the witness whether it was correct that in the case of vaccinations, jaundice had occurred in the case of these English and American vaccinations, that is hepatitis. The translation is yellow fever and such yellow fever cannot occur after this protective vaccination.

A No, that never did occur.

Q I now return to the case of artificial infection of yellow fever; do you know whether in Germany there actually could have been diseases of tropical fever or at any rate, do you know whether any virus strain, which could act pathogenic to a human being, was available in any laboratory in Germany?

A I know nothing about that, and I think this is highly impossible that a virulent yellow fever strain was available in Germany during the war.

Q Did I understand you correctly before, when you said that, when using the Peltier vaccine in vaccinating human beings, it is out of the question that any serious damages to health or even fatalities could occur?

A According to Peltier publication and the publications of his collaborators, any such incident was never observed.

Q You have seen the entry in the so-called Ding Diary regarding yellow fever; is it your opinion that in the case of the protective vaccinations used only on small groups of persons was applied according to the Peltier method; we were concerned with a not permissible experiment or rather a matter where the consequences would have been damag-

ing to the health or perhaps even life to the people involved?

A This experiment, as you say, could have been carried out on volunteer persons.

Q I wanted to ask you whether there was any danger to life, or any serious danger to health?

A As this experiment was already examined by using animal experiments, then according to medical convictions there was no appreciable danger any more.

Q In a letter of the Behring works at Marburg, addressed to the Defendant Drugowsky, which was submitted by the Prosecution, it is stated that the yellow fever vaccine was to be tested in Buchenwald on human beings in order to find out its harmlessness. The Prosecution interprets that in such a manner that there must therefore have been a danger to health when carrying out these vaccinations, but according to the answer which you just gave, one can conclude that this word "harmlessness" contained in the letter of the Behring Works is to be synonymous for a test of its tolerance, because it is a fact that any vaccines emanating from the Behring Works were tested very carefully by using animals before any such vaccines were sent away from the Behring Works and that is generally known in medical circles?

A I assume that the word "harmlessness" is here to be understood in the same sense as tolerance.

Q Thank you I have no further questions.

THE PRESIDENT: The Tribunal will be in recess until 1:30 o'clock.

(A recess was taken until 1330 hours)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 17 April 1947.)

THE MARSHAL: The Tribunal is again in session.

Professor DR. FELIX HOERING * Resumed

THE PRESIDENT: Any further examination of the witness by defense counsel?

BY DR. TIPP (For the Defendants Schroeder and Becker-Freyseng):

Q. Witness, this morning you mentioned a lecture which Professor Haagen delivered in 1943 at the Consulting Conference on Yellow Fever Vaccine. Did I understand you to say that neither directly nor indirectly was there any mention in this lecture of human being experiments which Professor Haagen carried out in this connection?

A. Yes you understood me correctly, that there was no mention of it in the lecture.

Q. Witness, do you know Professor Haagen well?

A. I met him only at this conference.

Q. But as an expert you are familiar with his scientific reputation?

A. His scientific reputation as an expert in virus matters was generally known.

Q. And Haagen was generally considered an expert in this field of virus?

A. Yes.

Q. Now, let me ask you Professor, virus research presupposes detailed knowledge of all questions?

A. Yes, that is so. It requires many years in that field before one can be called an authority in that field.

Q. And the normal doctor with the regular physicians training would not have that special knowledge?

A. No, no more than he would have special knowledge

about bacteriology in general.

Q. Therefore, it would have been quite ~~impossible for~~
a normally trained doctor to ~~supervise specialized~~ work in
this field?

A. Only an expert could have done so.

Q. Thank you. Now, witness, I should like to discuss
two documents with you. I show you Document Book 12 on
Typhus Experimentation. May I ask you to turn once again
to page 109. This is the same document that Dr. Fritz put
to you this morning--page 109, written in pencil. This is
the document NO-304, Exhibit 315, a letter by Dr. Haagen
to the Inspectorate of the Medical Service. The letter is
very brief--perhaps you could glance through it briefly,
professor. Can you, as an expert, see in this letter any-
thing indicating whether or not Haagen in this yellow fever
vaccine production carried out any experiments on human
beings, or what can you deduce from the letter?

A. There is mention here of animal cages but no
mention of human being experiments.

Q. Then you can deduce nothing from this letter about
human being experiments. Now the next page of ~~this~~ docu-
ment "Direction for use of the Yellow Fever Vaccine of the
Hygienic Institute of Strasbourg University. This
document was put in by the prosecution in connection with
human being experiments which Haagen is alleged to have
carried out. I don't know just what conclusions the
prosecution draws from this document, but the connection
in which it was submitted seems to indicate that the
prosecution sees in this document proof of the experiments
on human beings. Will you please tell us, professor, just
what this document is.

A. These are the directions for use such as accompany

any vaccines which are not generally known to physicians so that the physician will know how to carry out the vaccination. Regarding those on whom the vaccinations was carried out, there is no mention in the document.

Q. I draw your attention to the last sentence of the last paragraph, I quote: "Any serious reactions especially manifestations of jaundice, Etc., with mention of operation number must be reported immediately to the Medical Inspectorate of the Air Force through official channels." Now, to whom is this directive directed?

A. This morning I mentioned the incidents that had arisen, through of serum hepatitis, and the mentioning of jaundice indicates that it was considered possible that that could arise here also. The persons here mentioned are those to be vaccinated.

Q. What I mean is who should apply to the Health Inspectorate of the Wehrmacht--that could only be a troop doctor?

A. Yes, that is so.

Q. Then I can summarize your testimony as follows: These are directions for use for troop doctors when they vaccinate against yellow fever.

A. Yes.

Q. Thank you. Now, in the same document book please turn to page 120. This is document NO 130, prosecution exhibit 319. Let me quote from it briefly: "Oberstabsarzt Professor Dr. Haagen, consulting physician to the Air Fleet Physician Reich, Strassbourg, 4th August 1944. Subject--" That doesn't interest us. Heading, "Report on the successes with TAB Chol. vaccine." This document is not signed but it is clear that it originated with Dr.

any vaccines which are not generally known to physicians so that the physician will know how to carry out the vaccination. Regarding those on whom the vaccinations was carried out, there is no mention in the document.

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Haagen. This letter also was submitted in connection with human beings experiments and I assume that the prosecution feels that this is a report on experiments on human beings which either Haagen himself or some other persons carried out with this TAB Chol. vaccine. The letter is three pages long. I shall not ask you to read the whole letter now and I shall spare the Tribunal the nuisance of reading it, but I shall cite a few sentences that are pertinent in the first third of the first page.

It begins as follows:

"The following TAB Chol. vaccines were used."

and then follows the numbers:

"It appears that no strong reactions were produced by Nos. 03, 05, 10 and 13. One unit reported 1-2 days absence from work as a result of 05, which would seem to indicate a stronger general reaction."

and in the last paragraph on this page:

"Nos. 06, 07, 08 resulted throughout in such strong reactions that their usability is questionable. No. 06: in one unit a loss of 1 day by 5-7% on account of fever; in one unit 90% fever up to 38.5 C, and loss of 1-2 days; in one unit 80% very strong local and general reactions, fever 38.5 C, loss of 1-2 days. Only one unit reported good endurance, without particularly strong or numerous reactions."

Now I believe that is sufficient. From these few citations, witness, can you perhaps tell the Tribunal what this report is Haagen is describing, what actually is here being described?

A. This is a report on the tolerance for a newly manufactured type of vaccine against typhoid fever, not, typhus, paratyphus and cholera. Whenever a new vaccine is manufactured such reports must be collected and to judge from the short citations that you read it must be one of these regular reports such as are always published when a newly manufactured vaccine is first used.

Q. You mean to say then, witness, that this is a collective report that is compiled from various single reports, is that correct?

A. That can be seen from the text where it is pointed out that individual units reported such and such. These

reports were apparently collected and compiled and transmitted by the consulting physician.

Q. From whom did these individual reports come?

A. They must have come from the troop physicians of the individual troop units.

Q. In other words, witness, this is not a report on experiments of human beings, but a report on vaccinations carried out on German soldiers with a new vaccine?

A. Not with a new vaccine, but with a newly manufactured batch of an old vaccine which was already in use.

Q. But it only submitted reports on vaccination within the framework of the German Wehrmacht?

A. Yes.

Thank you, I have no further questions.

DR. SERVATIUS: For Karl Brandt:

Q. Witness, you were in foreign countries for quite a while in training and in research, is that not so?

A. Yes.

Q. Consequently, you are in a position to express an opinion regarding the premissibility of experiments on human beings, and at any rate you must have formed some picture of that in connection with this trial?

A. I do not consider myself a first rate expert in this field because that requires particularly trained and experienced doctors and I am too young for that, and I have, of course, concerned myself with this question, particularly in connection with this trial, also.

Q. And your experiences in foreign countries have substantiated in general whatever opinions you hold and prove that such opinions are held elsewhere in the world?

A. I know from literature, particularly from foreign literature, a little about what is customary in this respect.

Q. Witness, do you consider experiments on human beings permissible or for research purposes without the voluntary permission of the subject?

A. Since I had a feeling that this question might be put to me I made a few notes on the subject. First of all, I should like to remark in this connection that this is a matter concerning professional medical ethics. In this very generally phrased question I can only emphasize a few sides of it. I should like first of all to emphasize it is the highest principle of the medical profession to serve life in a sense set forth in the Hippocratic oath, and a second important principle is the "nil nocere", to do no harm.

Q. First of all as to the question of the subject's consent, if the subject does not consent to be experimented on, is the experiment permissible?

A. In anticipation of my answer I should like to say something about the concept of experiments so that we will understand one another. For this concept is by no means clear precisely and to me there is always the danger that I may be misunderstood, because in the case of desperate illness one occasionally could take recourse to a means in order to heal the person which is not--

THE PRESIDENT: Did or did not the question which you propounded to the witness cover the case in which the patient himself was desperately ill and something might be necessary to be done on behalf of the patient himself, was that covered by your question?

INTERPRETER: He didn't hear the beginning of your question because the switch was wrong. Counsel did not hear the question because the switch was wrong.

THE PRESIDENT: Was there included in your question to the witness an instance of a person who was himself desperately ill and possibly something by way of a new line or a new thought in medicine or surgery might have to be followed in order to benefit that patient himself. Was that concept included in your question?

DR. SERVATIUS: No, I believe we do not have to go into that question.

Q. Witness, I ask you not to deliver a lecture on the subject. Perhaps later you will have an opportunity to go into it at greater length but not please answer the question as briefly as possible. Later you can go into it, as I said, at greater length.

Now please answer my question: Do you consider voluntary consent a necessary prerequisite for experiments on human beings?

A. Yes, but I should like to emphasize that despite the voluntary aspect, the subject not trained in medicine cannot anticipate all of the consequences and the responsibility lies basically with the physician.

Q. Then you would say the person has to consent?

A. Yes.

Q. Do you hold that to be necessary even if the experiment is painless?

A. Yes, if it is a scientific experiment, certainly.

Q. Do you consider the consent of the parents necessary if it is a matter of children on whom it can be expected that it would very shortly die?

A. In this case the consent of the parent is necessary.

Q. Do you know from the history of medicine that for research purposes that experiments are carried out on insane persons or incurably ill persons and on children?

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who cannot be expected to live?

A. I know no such cases. I know only that where such things were done they could contribute to the healing of the patient.

Q I do not want to have this word experiment brought into association with the idea of healing. I want to keep those two concepts separate. Now I shall bring a few cases to your attention from Document Book III, which is Document KB 48 on page 106. There are quotations from a book from the 19th century entitled "A Doctor's Confessions" by W. Weressajew, a Russian doctor. The following cases are mentioned on page 137 in the text. This is page 107.

"Wertheim inoculated four paralytics and one idiot, the 32 year old SCH, with the cultures. In the case of the idiot SCH, a 'fairly purulent secretion was still found two months after the inoculation'."

Then follows the identification of where this occurred or where the citation is from: "The Gonococcus Weisser on the Culturing Plate and in pure Culture. Berlin. Clinical Weekly 1892."

It goes on to state: "The method Wertheim was tested by other scientists. Gebhard successfully inoculated human beings with these Wertheim cultures."

MR. HARDY: The Tribunal has ruled that presentation and discussion of any evidence relative to experiments which are not at issue in this case shall be delayed until later on during the trial and at such time all evidence of this nature will be at one time offered and then the Tribunal, at that time, will rule on its admissibility. Hence, consistent with the ruling of the Tribunal, I object to Dr. Servatius at this time offering any evidence of this nature or discussing it in as much as the Tribunal has saw fit to delay it until a future date.

DR. SERVATIUS: Mr. President, I am not asking you to admit this as a document in evidence now, but I am using it in the course of interrogating this witness to find out what his point of view is.

The purpose of this trial was outlined by General Taylor at the beginning as that of ascertaining in general that Barbaric methods were here being used for the first time in the case of the defendants in the dock and that offenses against principles of law of all countries of the world. In this Document Book of mine I have shown a few short but

pregnant excerpts to prove the contrary.

I am simply putting this document to the witness to have his opinion of it and I ask permission to do so.

THE PRESIDENT: Submit the document to the Tribunal from which you were reading.

DR. SERVATIUS: Document Book III of which I said yesterday that I would bring up today, the same as the prosecution was mentioned yesterday.

MR. HARDY: Your Honor, in this connection the witness has already stated he doesn't know anything about matters in other countries.

THE PRESIDENT: Examining counsel propounded to the witness certain questions. The witness answered the questions. Counsel may now, if he desires, ask the witness if the witness is familiar with medical ethics in general, if he has studied that matter, and is familiar with general rules in connection with the governing of medical ethics in such cases.

DR. SERVATIUS: Do I understand that you mean I can put this passage to the witness?

THE PRESIDENT: No, not at this time. I simply outlined to counsel questions he might ask at this time. This other matter may be considered later on today.

BY DR. SERVATIUS:

Q Witness, you have occupied an influential position as a professor at Tuebingen. Do you think you are in a position to express an opinion on the ethical permissibility of experiments on human beings in this trial?

A I can't answer that question in such general terms. Apparently so many questions are being here debated. I could perhaps competently answer a few of them but not all of them.

Q Now let me put a precise question to you in reference to this passage. Do you think an experiment on an idiot is permissible.

A I should demand in this case also the consent of the person in

question.

Q Would you consider it permissible if experiments on certain seriously ill persons or epileptics whose refusal to consent is to be considered, that experiments be carried out on them?

A No.

Q Do you think that experiments should be carried out on moribund children, for instance, providing these are children whose death can be counted on as certain unless something is done?

A I must ask a counter-question. Just what do you mean by moribund children on whom one could carry out experiments?

Q I have a quotation here that reads to the effect that experiments were carried out on moribund children and it says they lived for another ten days. There was purulent eye infection as a result. In other words, the children died but lived ten days longer.

A The general sense of the word moribund does not apply to children who lived another ten days. In such cases one must be very very sure of all the danger in order to attempt an expert opinion toward it. We know no laws in medicine but only rules.

Q Witness, if such experiments are carried out on children or sick persons, why aren't they carried out on healthy persons? Wouldn't one assume that these experiments are very dangerous?

A This, too, is a question which I cannot answer in such general terms.

Q Witness, if these experiments are carried out not on Nationals of one's own country but on foreigners, is that not proof that they are dangerous experiments?

A In medical professional ethics there can be no difference between citizens of one's own country and foreigners.

Q However, if it does happen, cannot one draw a deduction that it is something that would not be expected of a citizen of one's own country but a foreigner?

A That is a question of the psychology of the person who carries

out the experiment and has nothing to do with the general question of medical ethics.

Q Do you think such experiments can be carried out for private research on people?

A This again is such a general question that I cannot answer it.

Q Then you say that you feel that a researcher if he feels it necessary can carry out experiments if he thinks it important?

A Of course, but it depends on whom and the question of consent plays a part here.

Q And how about on a person who does not consent?

A From the point of view of medical ethics I do not consider experiments on people who do not consent permissible.

Q Can such experiments be ordered in the interest of the State?

A I believe that has happened in the course of history. That I know, I personally would disapprove of that. I personally should always prefer to forego scientific progress rather than take such a responsibility upon myself.

Q Then you consider such experiments not permissible even when the State orders them?

A From the point of view of medical ethics - yes.

Q Then, Professor, you agree with the Prosecution that such experiments are a crime?

A Again there are two things to be considered here. The one is the question of professional medical ethics and the other are the laws that may exist in the country in question for which the doctor is not responsible.

Q. Witness, if today such an experiment were ordered by the government, an experiment on human beings, then every doctor would have to oppose that?

A. I can say that I myself would not carry out the experiment and would prefer to run the danger of suffering personal harm. Moreover, that is an ideological question and what is to be said from the point of view of medical ethics so far as I am concerned that I have already said here.

Q. Was that always your opinion, witness, or did you just arrive at it here now?

A. That has always been my opinion.

Q. Didn't you change this opinion during the course of time. Has it not been out-moded?

A. I hardly believe so.

Q. Now, witness, I should like to put another document to you. This is LB 93 and, for the purpose of identification, it will be LB Exhibit 29. I shall read the document to you:

"Copy.

"The President of the Northern-Rhine Province H 632 - III- C III/3.

"Duesseldorf, June 29th, 1946.

"To the Presidents of the Governmental Districts in Aix-la-Chapelle, Duesseldorf and Cologne.

"Subject: Medical Research Committee.

"Enclosed you will find the text and translation of a writing of the Military Government of June 22, 1946 - MR/PF/2457.

"As I hear the Regional Research Department wants to make examinations about the functioning of the kidneys. I ask therefore the hospitals concerned, to make the reports.

"A representative signed: Dr. Garfeldt."

"Copy.

"Translation.

"The Quarters Military Government North Rhine Region.

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"Subject: Medical Research Committee.

"Enclosed you will find the text and translation of a writing of the Military Government of June 22, 1946 - HW/PM/2457.

"As I hear the Regional Research Department wants to make examinations about the functioning of the kidneys. I ask therefore the hospitals concerned, to make the reports.

"A representative signed: Dr. Garfeldt."

"Copy.

"Translation.

"The quarters Military Government North Rhine Region.

"Subject: Medical Research Committee

"June 22, 1946.

was the President of the Northern Rhine Province.

#1. Professor McGee and the members of his Medical Research Department want to be informed, if and when children are born in bring-in homes or women's wards in hospitals affected with Meningo-coele or similar abnormalities, which will make it unlikely or impossible that the children will survive longer than a short time.

"2. Professor McCano and his department wish to make some experiments on these children, which will give them no sort of pains, but they feel not entitled to make these experiments on normal, healthy children. When the birth of these children comes to be known Professor McCano is to be informed at once by telephone, Wuppertal No. 36665.

signed: Signature for Deputy Regional
Commissioner
North Rhine Region

(Lt. Col. E.J.G. Wallace, RMC).

Who the President of the Governmental District E G Med 500

Б 907/146

"Cologne, July 9, 1946.

"to the Health Office at

"I send the copy with the request to inform the birthwards of the hospitals in your district.

by order:

signed Dr. Savola

certified: Kloster, Regional Inspector".

MR. HENDY: First of all, Your Honors, before I enter any formal objection, I would like to see the original of this document.

DR. SCHWARTZ: I am not in a position to submit the original. This is a copy that was sent to me. I am referring to Article 20 of the new trial procedures according to which if I submit a copy I may insist that notice be taken of a document which has been issued by an allied government. This is such a document. This, namely, is a

document on the part of the British Military Government. I ask, therefore, that notice be taken of it.

MR. HARDY: Your Honor, I request that I be allowed to see the certification of authenticity of this document by some one of the members of the Military Government. That is, authenticity of the copy of this document.

DR. SERV TIUS: In Article 20, Mr. President, it simply says that a copy has to be submitted but not a certified copy, and it is not possible to me to submit that about an official document because I can't get my hands on it. I have only a copy and have every reason to believe that it is authentic. I asked the Military Government in Cologne to send me a copy -- and I suppose they will send me a copy soon, but I cannot submit it yet. The telephone number of the doctor is here. I suppose the whole thing can be checked on.

MR. HARDY: If he didn't receive the copy from the Military Government, where did he receive it from? He must have received it from someone.

THE PRESIDENT: The document offered in this situation should have some justification backing of it. Of course, the document is not now being offered in evidence, merely being marked for identification.

MR. HARDY: Well, Your Honor, in order to make a document for identification I should think it would logically follow that you would have to establish that it is a document, and this has not been established as a document.

JUDGE SEERING: Mr. Hardy, will you hand that thing up here so we can look at it please?

MR. HARDY: This is just the copy I have, Your Honor.

(Document is handed to Tribunal).

JUDGE SEERING: Dr. Serv tius, will you say, for the benefit of the Tribunal, where, and how, and under what circumstances the text matter of this paper, a copy of which you have exhibited to the Tribunal, was obtained?

DR. SERVATIUS: During my information trip to Cologne, which is my native town, I was told that this directive had been issued, and it was read to me over the telephone. Thereupon

JUDGE SEBRING: Issued by whom?

DR. SERVATIUS: Issued by the British Military Government and transmitted by the Ober-president to his regional presidents, who direct that reports have to be made by phone. Thereupon, I visited the health office of the City of Cologne and asked them to tell me something about it; but I couldn't speak to the gentleman in question, so I wrote that they would please communicate it to me. Then, my information center sent me this copy and I have now submitted it because I have no doubt of its authenticity. I also assured myself that such directives had been sent to other institutes so I believed I could rely on it.

JUDGE SEBRING: You made inquiry by letter?

DR. SERVATIUS: Yes.

JUDGE SEBRING: To whom?

DR. SERVATIUS: To the municipal health office in Cologne which is competent for this, but I have received no answer. I could name as a witness to this the Ober-medizinalrat Dr. Sebel who signed this thing.

JUDGE SEBRING: You made inquiry by letter?

DR. SERVATIUS: Yes.

JUDGE SEBRING: You have not as yet received a copy or you have not yet received a reply to that letter?

DR. SERVATIUS: Not yet, no.

JUDGE SEBRING: I assume that the letter was making inquiry concerning the subject matter or text matter of this document. Is that correct?

DR. SERVATIUS: Yes, I asked about it and requested a copy so that I could submit it to the Tribunal.

JUDGE SEBRING: You did not receive a reply to your letter and consequently did not receive the copy of the document you requested?

DR. SERVATIUS: No, I do not have an official copy. I simply have

the great conviction that this is a true document.

JUDGE SEBRING: Then, if you did not receive this document or its contents from the office, I don't quite understand where it did come from.

DR. SEWATIUS: I received it from a person who is very close to my client. I should prefer not to mention the name. I believe this comes within my professional obligation to secrecy.

JUDGE SEBRING: And it came to you as being an authentic copy?

DR. SEWATIUS: Yes.

JUDGE SEBRING: Of a document which had been duly issued? Is that right?

DR. SEWATIUS: Yes, and thereafter I telephoned to another office that I know, and corroborated the fact that they also had received a copy of this same directive.

JUDGE SEBRING: Now then, what is your purpose in directing its context to this witness?

DR. SEWATIUS: I want to show this to the witness to hear from him, as a representative doctor of present day Germany, how such experiments are evaluated today. It is my point of view that experiments as are here ordered are permissible, and I have ascertained that the witness has the point of view represented by the prosecution, and I submit it to support my contention that such experiments are permissible if the state orders them.

JUDGE SEBRING: What do you understand this experiment to be, Dr. Sewatius?

DR. SEWATIUS: I suppose that these are experiments that are carried out without the consent of the person concerned. That they are dangerous because no one is told about them, but, on the other hand, experiments that are necessary. It is my further intention to prove that euthanasia should be practised on children who are born with such diseases and cysts because euthanasia is certainly an easy death,

whereas here, in my opinion, the children do not suffer an easy death after the experiment. Thus, all the directives on the part of the Reich Committee for the Investigation of Hereditary Diseases should be considered permissible.

Mr. Hardy: Your Honor, if the Tribunal sees fit to accept this as an authentic document, then I object to the admissibility of the document inasmuch as it has no bearing in this case; it is immaterial; furthermore, the contents of the document is not at issue here and this does not state whether or not permission of the parents or guardian of these children to be experimented upon will be obtained. Furthermore, this is an expression of intention and there isn't any evidence of an overt act to substantiate the document.

JUDGE SERBRING: Dr. Servatius, if you are of the view that this witness entertains some ethical views concerning the extent to which human experiments may be conducted, if to any extent at all, it would appear to me that having heard his statement on the matter you might propound a hypothetical question to him as to whether or not he is of the view that experiments concerning the functioning of the kidneys to be carried out on certain abnormal children which will give them no sort of pain, is, in his opinion, within the limits of ethical consideration of the complex involved. I think you might be able to propound to him perhaps a selected range of hypothetical questions which would probe the witness for his views of what, in his opinion, would come within or without the limits of what he considers to be an ethical approach to the concept of experimentation. It would seem to me that that could be done without any reference whatever to this document and that it would be a proper source of inquiry.

DR. SERVATIUS: The hypothetical questions I have already put to the witness--whether he considers experiments permissible if they are painless, whether they should

be carried out on children without the consent of their parents--he rejected. I asked him if they were permissible if the State ordered them and he said that he would oppose that himself. I asked him if his point of view was not rather out of date and when a State that rules a great part of the earth considers it permissible to order such things, then perhaps the expert who is here to testify as a witness will arrive at a different conclusion and will correct his point of view, will admit that it is out of date. That is the very core of my defense of my client.

JUDGE SEBRING: I think it might be entirely proper if you produced other witnesses to show that the view entertained by this man on the witness stand is hopelessly out of date, as you say, but I am unable to see where, assuming that this document speaks of something that will be delineated as a medical experiment, the fact that this document speaks of such an experiment does not in and of itself serve to upset this man's point of view, he was in the hopeless minority in the matter and it would then be for the Tribunal to consider, from all of the evidence before it, what it considered a proper approach to the matter. But personally I fail to see the probative value of the inquiry as it is circumscribed by the text of the document which you have presented to him.

THE PRESIDENT: I am in entire accord with judge Sebring in failing to find any materiality in handing this document to the witness. Counsel may ask the witness if the witness is aware that other physicians of repute may hold other opinions, but this is not counsel's witness, nor is he an opposing witness. He is a witness called by another defendant. Counsel has the privilege of interrogating him

--did interrogate him, asked him questions, and the witness answered him. The witness is not subject to cross-examination or examination. He is not an adverse witness. We do not know of his position in regard to any other defendant. Counsel may ask the witness if the witness is aware that other physicians hold ideas which do not coincide with his.

DR. SERVATIUS: Mr. President, I assumed that since the witness has a different point of view than that of the defense, that he was an inimical witness and that I could put everything to him necessary to refute his point of view. Do I understand from the President that I should put no further questions to the witness?

THE PRESIDENT: No, it was not that. The witness was called by another defendant. You are now trying to cross-examine the witness as to questions which you yourself asked him. But counsel may ask the witness if the witness is aware that other physicians of repute in other communities, hold contrary ideas to his own.

BY DR. SERVATIUS:

Q. Witness, are you aware that other physicians do not share your opinion but consider such experiments permissible?

A. I believe without any further question that all doctors do not share my point of view; but if I may make a remark about this document, it is a question. The question is whether children with Meningocoele are to be operated on or not, but may I tell you that the lives of a part of these children could be saved.

JUDGE SEBRING: Witness, suppose you start over. I don't think the interpreter got that. Will you start over please.

A. It can be seen from this document indubitably that not all children which are born, suffering with Meningocoele, are to be subjected to these experiments that were planned, but.....

Q. Witness, where do you get that idea? They must be reported?

A. All are to be reported but it must be assumed as a matter of course that from those who report, a selection will be made as to which are to be experimented on, because if all children with Meningocoele are to report, then part of them certainly could not be considered for the experiment because they could be operated on and their lives could be saved. I must again point out that medicine knows no eternal laws but simply pragmatic rules.

Q. Witness, then what does Meningocoele have to do with disturbances of the kidney?

A. That cannot be answered in general. I do not believe that the cases here were chosen because there was some connection between kidney disorder and meningocoele but because part of the children with meningocoele, namely those with a very serious infection, could only be expected to live a very short time. Others could survive.

DR. SERVATIUS: I have no further questions.

THE PRESIDENT: The Tribunal allowed the witness to discuss this document notwithstanding the Tribunal held that the document was not properly before the witness but that matter has been allowed and it is now in the record.

Any further questions of the witness on the part of

defense counsel?

The Prosecution may cross-examine.

CROSS*EXAMINATION

BY MR. HARDY:

Q. Witness, I shall attempt to be brief and would appreciate your answering my questions briefly so that we may finish this afternoon. First of all, I want to discuss with you the events which took place at the meeting of the consulting physicians at the Military Medical Academy in May 1943, more specifically the lecture given by Dr. Ding. Now was it possible for a listener, such as yourself, a man who was an expert on tropical medicine, to have readily ascertained after hearing Dr. Ding's lecture, that the experimental subjects used by Dr. Ding were inmates of a concentration camp?

A. I cannot remember now whether it only became apparent from the discussion.

Q. Well, now, you have stated that after the lecture a discussion took place and the discussion was opened by Professor Rose, is that correct? Did I understand you correctly that the first one to speak after Ding's lecture was completed was Professor Rose?

A. As far as I remember, Professor Rose was the first one to speak.

Q. And then first of all spoke on the subject itself, that is, typhus research, and then he proceeded to chastise Ding for the manner in which he carried out the experiments, is that correct?

A. Yes.

Q. Well, now, will you kindly tell the Tribunal as well as you can remember, that is, verbatim or substantially, just what Dr. Rose said?

A. During my testimony this morning I endeavored to repeat his speech as well as I am in a position to do so today after a period of 4 years has elapsed.

Q. Well, will you kindly repeat it again for me, doctor?

A. Professor Rose said approximately that this was a case of experiments on human beings, that fatalities had occurred in that connection and that he considered that this was a very serious fundamental question since any such procedure cannot be brought in conformity with the tradition of research of immunity. He further said that no essential results had been achieved in the course of these experiments which could not also have been derived from epidemiological observations. For that reason he said he was of the opinion that one should maintain the traditions that one would maintain medical tradition, and therefore reject any such procedure.

Q. Well, now before Rose-- pardon me. You and I alike know Professor Rose to be a very emotional person; did Professor Rose at the time of this observation become very excited?

A. I would say that he didn't get any more excited than was his custom occasionally during discussions.

Q. Well, now, did you gather or did Professor Rose say it outright, -- I will first ask you, did you gather that Rose considered that these experiments at Buchenwald were in he elicited these fatalities had occurred, to be just common murder?

A. I don't quite understand your question.

Q. Well, did Rose consider this just plain murder, these experiments at Buchenwald?

A. He didn't use that expression.

Q. Well, did you understand Rose to mean that?

A. That was to be concluded from his answer indirectly.

Q. Well, now were you aware of the fact that Professor Rose had himself visited Buchenwald prior to this meeting?

A. No.

Q. Well, do you know that Professor Rose visited Buchenwald with Professor Gildemeister and saw the operation in April 1942 a year before?

A. I am only hearing that now.

Q. And then a year later Rose strenuously objected at this meeting before the consulting physicians; and now is it clearer for you to understand why Rose objected, or was it clear from the lecture of Ding that experimental subjects used were human beings?

A. I don't understand your question.

Q. What I am trying to make clear, Doctor, is whether or not you were able to ascertain at that meeting that concentration camp inmates were used in these experiments?

A. Yes.

Q. Now, if Rose had not visited Buchenwald one year prior to that time would he still have been able to ascertain from the lecture of Dr. Ding that experiments had been conducted on human beings in the concentration camp?

A. I cannot remember that, because I no longer know whether that clearly became apparent from the lecture.

Q. Well, then did the objection by Professor Rose come as a complete surprise?

A. Yes, for me.

Q. Well, now would you consider it possible that Professor Rose would later on have sent vaccines to Buchenwald to be tested there?

A. No.

Q. Then in summation you felt assured that Rose considered this work at Buchenwald to be more or less a scientific method of murder?

A. Yes.

Q. Now, doctor, we have discussed here this morning yellow fever, malaria, typhus and other problems; I have one or two questions along those lines. Could you tell us as an expert how one could test the effectiveness of a tropical vaccine except by artificial infection subsequent to vaccination; by that I mean, how would it be possible for us to test here in Nurnberg a vaccine for yellow fever inasmuch as yellow fever is a tropical disease, without first artificially infecting the subject upon whom we are to test the efficacy of the vaccine? Do you understand what I mean, doctor?

A. I believe, yes. One could do that in the mentioned mice test.

Q. You would have to first artificially infect the mice, wouldn't you?

A. Not the mouse that is used in the test alone, but mice would have to be available where yellow fever virus is present in their brain. This brain containing virus has been mixed with the serum of the human being to be examined, and then again injected into other mice.

Q. Well, now, Doctor, if we were going to have experiments on human beings here in Nurnberg, we would have to first artificially infect the human beings with the yellow fever virus in order to test the efficacy of the vaccine, and bear in mind now, Doctor, I am not speaking of compatibility tests?

A. Do you mean compatibility tests?

Q. I mean to test the efficacy of the vaccine, not a compatibility test.

A. Efficacy,--not it is not necessary at all. One can ascertain the efficacy of the vaccine by using the mice test. Here is the case of yellow fever there is one exception.

Court 1
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only in the case of yellow fever can one decide by using
the serum of a human being to what extent he would be
immune.

Q. Well then, Doctor, in the case of yellow fever it is a fact, is it not, that tests on human beings are not necessary to determine the efficacy of a yellow fever vaccine?

A. Yes, that is the efficacy regarding the protection against yellow fever infection.

Q. And you, as a medical man, would not use human beings to test the efficacy of a yellow fever vaccine?

A. No, it is only necessary when examining the combatability in particular in view of the question of serum hepatitis; serum hepatitis only occurs in the case of human beings.

Q. Now you have stated here, Doctor, that infectious hepatitis is a rather disagreeable and serious complication, resulting from yellow fever vaccine infections. I did not quite understand that. Would you clarify that for me, please?

A. Every smallest disorder, which includes the so-called direct vaccination reactions or undesirable complications which are to be avoided by physicians whenever possible.

Q. Now, you say that this occurred in connection with the British and American vaccines. Did that also occur in connection with the German vaccine?

A. In the case of German yellow fever vaccines, you mean?

Q. Yes.

A. I know nothing about that.

Q. Well now, Dr. Haagen, Dr. Eugen Haagen, was the first one to develop a yellow fever strain here in Germany, was he not?

A. Haagen had worked in New York on yellow fever questions and as far as I know there was neither a virulent yellow fever strain nor an adulterated yellow fever strain available in any German laboratory.

Q. Well then, would you state that the vaccines which were used here would not contain that hepatitis condition which was created by the American and English vaccines?

A. That, one could not know before hand.

Q. Well now, Doctor, is hepatitis a rather serious disease?

A. On the average, no.

Q. Well, let's take it in itself. Suppose we go to the Orient; would hepatitis be considered a serious disease?

A. I know that in the Balkans hepatitis is spread among the population and mostly is considered as a harmless child disease.

Q. What I am getting at, Doctor, would you consider hepatitis to be in the same category as a bad cold, a little more serious than that, isn't it?

A. It takes longer, but I can see from having read an English thesis on the subject that it is not a very serious disease, where artificial infection with hepatitis was used in order to treat rheumatism of the limbs, in the same way as malaria is used in order to treat paralysis. However, there was no success in that method, that is, trying to influence the rheumatism of the limbs.

Q. Doctor, you have stated or mentioned here the Oath of Hippocrates. Now from hearing your testimony I can readily understand that you abide by the Oath of Hippocrates to the letter. Is the Oath of Hippocrates recognized as the guiding staff in the medical profession here in Germany like in all other countries?

A. I don't know to what extent the oath is known abroad. To be sure, it is often quoted in literature abroad. It is the only written guiding directive which exists about the professional ethical fundamentals of medicine; that is, generally speaking.

Q. Thank you, Doctor, I have no further questions.

THE PRESIDENT: Any further questions to the witness? If not, the witness may be excused.

(The witness is excused.)

DR. FRITZ (Counsel for the defendant Rose): Mr. President, with the approval of the Tribunal I should now like to call the defendant Rose to the witness stand.

THE PRESIDENT: Has counsel any documents which he could introduce

within the next half hour without putting the defendant Rose on the stand right now?

DR. FRITZ: Mr. President, it was my intention to read the documents and introduce them during the examination of the defendant Rose. This is how I have prepared my presentation.

THE PRESIDENT: Well, the Tribunal does not have any desire to interfere with the orderly presentation of the case by counsel, so the Tribunal will now recess until 9:30 tomorrow morning.

(The Tribunal adjourned until 0930 hours, 18 April 1947.)

Official transcript of the American
Military Tribunal in the matter of
the United States of America against
Karl Brandt, et al, defendants,
sitting at Nurnberg, Germany, on
18 April 1947, 0930, Justice Beals
presiding.

THE MARSHAL: Persons in the court room will please find
their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United
States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defen-
dants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are
present in the court.

THE PRESIDENT: The Secretary-General will note for the
record the presence of all the defendants in court.

MR. HARDY: May it please your Honor, the Defendant Rose
to this date is charged by the prosecution on Count No. 1 with
the conspiracy, in Count No. 2 with participation in the yellow
jaundice experiments, typhus experiments and experiments in-
volving yellow fever, smallpox, paratyphus A and B, cholera
and diphtheria. In addition thereto, the Defendant Rose has
been charged with participation in biological warfare, more
specifically, participation in the organization of Blitzableiter,
also the malaria experiments. In Count No. 3 it follows that he
is charged with the same.

At this time the prosecution withdraws all charges against
the Defendant Rose save the charge of conspiracy in Count No. 1,
the charge of participation in the typhus experiments in Count
No. 2 and the participation in the malaria experiments in Count
No. 2, and in Count No. 3, participation in the same, as set forth

in Court No. 2.

THE PRESIDENT: Will counsel for the prosecution prepare a written statement to that effect.

MR. HARDY: Yes, your Honor.

THE PRESIDENT: And file it with the Tribunal in the office of the Secretary-General.

MR. HARDY: Yes, your Honor.

DR. HEINZ FRITZ (Counsel for Defendant Rose): Mr. President, with the approval of the Tribunal, I am now calling the Defendant Rose to the witness stand.

THE PRESIDENT: The Defendant Rose will take the witness stand. The witness will be sworn.

DR. GERHARD ROSE, a defendant, took the stand and testified as follows:

BY JUDGE SEERING:

Q Raise your right hand, please, repeating after me before the Tribunal:

I swear by God, the almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION .

BY DR. HEINZ FRITZ (Counsel for the Defendant Rose):

Q Professor Rose, at first a few questions as to your personality. Will you state your full name.

A Gerhard August Heinrich Rose.

Q When and where were you born?

A I was born on the 30th of November 1896 at Danzig in Western Prussia as a German. I have always retained German citizenship, although my home was separated from Germany in the year of 1920.

Q Would you please very briefly describe your professional career, and, at first, up to the time you completed your medical

studies.

A Gymnasium at Stettin, Dusseldorf, Bremen and then Breslau. These changes came about owing to my father's transfers who was a senior civil servant. I made my matriculation on the 9th of March 1914, and from 1914 until 1921 I studied medicine. I did my military service at the Second Guard Regiment with the Infantry, and I went through the war with that regiment from 1914 until 1918. My medical State examination I passed at the University of Breslau on the 15th of November 1921. My medical approbation I received on the 16th of May 1922 by the Reich Ministry of the Interior at Berlin.

Q What success did you have in terminating your medical examination?

A My State examination was very good, doctor degree "magna cum laude".

Q Would you please describe to the Tribunal very shortly your career as a physician?

A I worked in Breslau as an interne with the Pathological Institute of the hospital there, and I was also at the Medical Polyclinic and the Hygiene Institute of the university. I started my years as assistant at the Hygienic Institute of the University at Breslau. In the year of 1922 I went to the Robert Koch Institute at Berlin and, finally, in the year of 1923, I went to the Hygienic Institute of the University at Basle in Switzerland. During that time I studied for two months as a guest at the Prussian Institute for water, earth and air hygiene in Berlin, Dahlem.

In order to supplement my education I decided to do a few years of clinical work and became assistant at the surgical clinic at the University of Heidelberg. Upon the wish of my clinical chief there I had spent one winter before that with the Anatomical Institute of the University at Heidelberg. During my Heidelberg

years I had a place for work with the Hygienic Institute in order to carry out my scientific work there. In the year of 1929, upon recommendation of the Berlin tropical disease Professor Ziemann, I was assigned to China to the Government of Chekiang. There I created the State Institute for Public Health of Chekiang. Two years later, I was appointed consultant for public health with the Commissioner for Civil Affairs at Chekiang. In addition, in the year 1934 the Chinese National Government offered me the job as a director in the Schistosomiasis control. I stayed officially at Hangchow, during my stay in China, which is the capitol of Chekiang. Hangchow has half a million inhabitants, and Chekiang more than twenty million. During that time I had a number of subsidiary offices such as are usually had in case of any such hygienic position. I was a member of the City Planning Committee, of the Water Works Committee, of the Committee for Police Reform with the Ministry of the Interior at Chekiang. I was an honorary member of the Hygienic Committee of the Chinese Medical Association. Then in the year 1934 I became chairman of the Parasitological Section of the Far Eastern Association for Tropical Medicine. Although the Commissioner for Civil Affairs had changed five times during that period, I stayed in that position for a period of 7 years until I myself asked to resign in order to accept an offer which was made to me by the Robert Koch Institute of Berlin as a professor.

DR. HEINZ FRITZ: Mr. President, with reference to Professor Rose's activity in China, I should like to submit to the Tribunal the Document Rose Number 1 under Rose Exhibit No. 1. This is a certification of the Chinese Education Minister Chu Chia-hua, and it is dated 26 September 1946. The document can be found in Document Volume Rose Number 1, page 1. I do not intend Mr. President, to read that document, I merely attach value to the fact that the High Tribunal take notice of that document since it represents a characterization of the Defendant Rose.

MR. HARDY: May it please Your Honor, this document contains no jurat, hence does not meet with the regulations prescribed by the Tribunal in that it is a duly authorized affidavit, certified, and in good form; hence the Prosecution objects to the admission of this document in evidence.

THE PRESIDENT: Counsel, have you the original document?

(Original document handed to the Tribunal)

Objection will be overruled. The document will be admitted for such probative value as it may have.

BY DR. FRITZ:

Q. Did you receive any special assignments during those years in China?

A. In 1932, I received an assignment from the Hygiene Section of the League of Nations in order to study the Schistosomiasis problem in Egypt and to make a report, which was to constitute a comparison between that problem in Egypt as compared to China. In 1935 I participated in an International Information Course for Senior Public Health Officers of the Far East at Singapore. Malaria questions were dealt with there and then, with the support of the Far Eastern Bureau of the Hygiene Section of the League of Nations, I visited the most important malaria territories of British Malaya and Java and studied the plague control at Central Java. In 1935, the Public Health Administration of the Southern Chinese Province, Kwangsi, invited me to advise them on plague control questions. Before my return to Germany, I visited the most important parasitological institutes at Japan and then, upon recommendation of the Rockefeller Foundation, I visited a number of important parasitological institutions in the United States of North America. On these occasions I also held lectures.

Q. After your return to Germany did you immediately assume your office at the Robert Koch Institute?

A. No, I only entered formally my new position with the Robert Koch Institute. I immediately took a vacation in order to take a

trip to Africa for purposes of study. I wanted to find out what the tropical medical special problems were as they prevailed in Central Africa. With the agreement of the Colonial Office in London, and the Colonial Ministries in Paris and Brussels, I traveled through Africa. I visited the most important plague territories of Africa. This journey lasted for approximately one year and went through the Union of South Africa, Portuguese East Africa, the Tanganyika territory, the Colony Kenya, the Protectorate of Uganda, Urundi-Urundi, Marabat Mandate, Belgian Congo, French Equatorial Africa, French Cameroon, Nigeria, Gold Coast, Sierra Leone and French Senegal. On the basis of an invitation which I received while on my travels, I terminated my journey by visiting French Morocco. Then, in the year of 1937, I assumed the leadership of the Tropical Department at the Robert Koch Institute in Berlin. In the year 1939 I received a short special assignment in order to investigate a hepatitis epidemic in Spain. In the year 1943 I became the vice president of the Robert Koch Institute but could not practically exercise that office since my service with the Wehrmacht took all my time.

Q. In addition to the activities which you just described, did you have any instruction assignments?

A. In the year 1938 I received a lecture assignment for tropical medicine and tropical hygiene for the medical faculty of Berlin. In the year 1940 I received a similar assignment for the faculty of Foreign Sciences. In addition, I held lectures with the academies for post graduate medical training.

Q. Did you hold any other scientific subsidiary offices?

A. I was a member of the Scientific Senate of the Academy for Post Graduate Medical Training for Naval and Tropical Medicine at Hamburg. I was a member of the Board of the German Association for Tropical Medicine there. I was co-publisher of the handbook entitled "Tropical Medicine." I was a member of the committee of the German Tropical Medical periodical. I was a member of the Working Committee for disinfectants and chemical for insect-pest control.

Q. To what German scientific associations did you belong?

A. To the German Micro-Biological Association the Berlin Micro-Biological Association I belonged to the Berlin Medical Association, the German Tropical Medicine Association; and the Association for Applied Entomology.

Q. Were you also a member of foreign medical associations?

A. I was a member for life of the Chinese Medical Association, and in 1934 I was elected a Fellow of the Royal Society for Tropical Medicine. I was a member of the Far Eastern Association for Tropical Medicine. I was chairman of the Parasitology Section at the Eighth International Congress for Tropical Agriculture at Tripoli in the year 1939. In addition, I was the official delegate for Germany at the International Congress for Tropical Medicine and the Third International Malaria Congress in the year 1938 at Amsterdam.

Q. Mr. President, in order to prove the Fellowship of Professor Rose at the Royal Society, I offer as Rose Document No. 2, which will become Rose Exhibit No. 2, the original certification of the Royal Society in London. This can be found in Document Book Rose No. 1, on page 2.

Did you publish any medical scientific work?

A. Yes, these papers are contained in the list which was compiled by you. Since all my material was lost during the war, this list is probably not quite complete but only a few relatively unimportant papers may be missing. In addition to that, there are the yearly work reports about the activity of the Institute for Public Health at Chekiang during the 7 years in which I headed that institute; also there are the work reports of the tropical medicine department at the Robert Koch Institute from the years of 1937 up to 1944. They are printed in the yearly reports of that institute and there you can also find all the work published by my collaborators.

Q. Mr. President, with reference to the activity concerning writing for technical literature by Professor Rose, I offer into evidence the affidavit by the Defendant Rose dated the 11 of February

1947, as Rose Document No. 3, Rose Exhibit No. 3. The document can be found in Document Book Rose No. 1, on pages 3 to 7. I do not intend to read that document.

Were you a member of the NSDAP?

A. Yes, since 1930.

Q. But you were in China, weren't you?

A. Yes.

Q. Well, how did it come about that you became a member of the NSDAP when you were in China?

A. A number of National Socialists in Nanking tried to recruit people into the NSDAP and also asked me. I heeded that invitation.

Q. Did you at any time hold an office in the Party or did you ever receive any Party awards?

A. No, I held no office in the Party or in any of its affiliations, although such office was offered to me on two occasions. I received no Party awards nor did I get any honorary ranks.

Q. Did you at any time belong to the SA or the SS?

A. No. Under-Secretary of State, Conti, asked me on one occasion to enter the SS but I did not do so.

Q. Did you have any disadvantages by reason of your refusal to join these formations?

A. Yes. At the end of 1939 I had been asked to participate in the Health Service at the occasion of the resettlement of the racial Germans. This was done by reason of the German-Soviet Pact. I was to head this Public Health Service outside the Reich Borders and that by collaboration with the Soviet, Rumania, Yugoslav and Hungarian authorities. After the conclusion of this work I remained the hygienic consultant to the Chief of this public health service. The actual resettlement on the German side was headed by Himmler and one agency, which was affiliated to the SS, the so-called Volksdeutsche Mittelstelle.

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The public health service at first was independent of that agency, and was subordinated to the Undersecretary of State, Conti. Physicians of the Reich Chamber of Physicians worked in that service, or physicians that had been loaned to that organization by the Wehrmacht such as my case. The Volksdeutsche Mittelstelle on the other hand endeavored to transfer these physicians that participated in the resettlement work to the SS. Since I refused my entry to the SS and since in addition I had a number of scraps with them concerning some fundamental interests, and that with a number of higher SS leaders I was asked to resign and be replaced by an SS physician. In the year 1944 I was invited to be a president for a new reich institution which was yet to be founded, an institution for insect pests dangerous to human health, and for professional reasons was supported by Conti. The SS at that time tried to get the field of insect control under their authority, since Himmler personally was interested in that subject. This fact can also be seen from Sievers diary which contained in the files of the Tribunal. In the Committee for disinfection I had already opposed any that any special place be reserved for the SS in that field. In addition to that I from the resettlement I was known as a troublesome collaborator and it was not difficult for the gentlemen of the SS who were interested to dissuade Himmler from requesting my appointment, who in the meantime had become Minister of the Interior.

DR. FRITZ: Mr. President, with reference to the difficulties which Rose suffered in that regard, I offer Rose Document, NO 4, as Exhibit, no 4, an affidavit made by Dr. Gerhard Peters, on the 28th of February 1947. This can be found in the Document, pages 8 to 10, Document Book, no 1, I should like to read the most essential parts of that document, and I quote on page 1, paragraph 2:

" I have known Professor Dr. Rose since the early years of the war, for, as a consultant hygienist of the Luftwaffe, dealt closely with all questions of insect control and engaged his department in respective scientific work. Independent of this, he was assigned in May

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1942 by the Reich health Leader as a member to the Working Committee on De-verminization and epidemic control, including the supply of equipment, manpower and general enlightenment. Professor Rose here gave valuable and energetic assistance, I came to know him personally during this work and learned to estimate him for his incorruptible objectivity.

" It had been intended to appoint Professor Rose president of a special Reich Institute for vermin control which was to be established in 1944, an appointment which was generally approved in expert circles. This proposal had to be the special support of the under Secretary Dr. Conti. Rose, however, was turned down in SS circles, of Himmler's entourage for the reason that he was "too difficult" Sturmbannführer Pflaum, who had been appointed 'Special Commissioner for Vermin Control' by the Reichsführer SS was a particular opponent of Rose, and constantly criticized the work of the Committee for its lack of compliance with the Party and the SS. Finally instead of Rose, an SS candidate was considered. Rose did not even then change his often expressed hostile attitude concerning the wishes of the SS, nor his critical rejection of the Machinations of the then personal physician Professor M'rell "(Russia Power)" but rather further antagonized the opposition through his support of my work in the Committee and by his intercession on my behalf - I was threatened with arrest by the SS-."

Now comes the signature of Dr. Gerhard Peters. This affidavit was certified.

Q Now, Professor, Dr. Peters, in the affidavit I have just read speaks of difficulties which you had with the SS in the field of insect control. Could you please describe these matters in greater detail, so that they become more understandable?

A It was at first a fundamental clash when the working committee was founded. These committees had been founded by Minister Speer, as independent administrative organs of the industry. I was to represent in this committee the interest of the civilian consumers, namely the civilian health authorities the private persons. The committee was to decide what means for insect control could yet be produced, what firms were

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these means, what factories had to be stopped and what personnel of these factories had to be transferred to other factories. Furthermore, it was to be decided how the products were to be distributed among the various meeting groups. During the first meeting where all the interested parties were invited, the representative of the SS rejected giving in to decisions of that committee. He said whenever Himmler was interested in producing any means for the combatting of insect control it would have to be controlled anyway. He further said the SS did not think of submitting to the decision of that committee regarding the distribution of quotas to the various parties. At that time I rejected any independent position of the SS, including the Reichs Fuehrer, because at that time the president hesitated in voicing his opinion, although it was his business to make this rejection. This of course was afterwards always held against me. For reasons which I don't know, Himmler was personally interested in combatting insects.

That was always maintained by his representative. They even tried to get the professional organizations and insect control under their supervision. One of its heads a certain Mr. Danner was arrested without our ever knowing the reasons why. Some agent of the SS was established as a trustee. Similar plans were made against the President of our committee. He could only be put into that because of the interference of Government or institutions, who were interested in the smooth working of the committee. I personally was only concerned inasmuch as it was worked against my appointment as president I would gladly accepted that position in order to become the president of an independent institute. Himmler, of course, was in position to prevent such an appointment since he was a Reich Minister. I personally never knew why the SS had such a special interest in the field of insect control. The conflicts with Himmler's personal physician, Dr. Morrell, came about for the reason that he was producing an inactive lice means in his own factory. This was ordered by Hitler for

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the Army, since Morrell managed to represent this drug in a wrong light. Dr. Morrell was known in this matter as notorious. Since he was using the same raw materials that another firm could have used that was using a more effective drug, conflicts with the committee arose. Finally, I started to be very interested in the production of DDT preparations, something which was combatted by Morrell, because it had a tendency to limit his own production of his lice powder. It was all a very poor chapter.

Q At any rate, during the outbreak of the war you were professor with the Robert Koch Institute in Berlin and also Director of Hygiene of that Institute?

A Yes, that was my position.

Q Did you also have certain assignments abroad?

A Yes, in 1943 the medical director of the Basle University at Basle put me on the proposal list as an expert in hygiene at their university at Basle, and then in the year 1944 I, including two candidates, was intended to be selected for the Turkish Public Health Office in Ankara. Both assignments for political reasons did not come about.

DR. FRITZ: In order to substantiate the proposal to assign Professor Rose to the University of Basle, I offer a document which was sent to me by the faculty of Basle, which can be found on page 11, up to page 14, of my document book. This is Rose Document 5, and Rose Exhibit No. 5. This is a certified excerpt of the opinion of the faculty insofar as Professor Rose is mentioned therein. This document is rather interesting, since it compares itself with the year 1943. Naturally, it was very difficult at that period of time to put a German in position of a lecturer at a Swiss University, and here in this document is explained why. In spite of these considerations Professor Rose was suggested. I ask you to take notice of that document, and I do not intend to read it.

THE PRESIDENT: (The Court will now recess:

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THE MARSHAL: The Tribunal is again in session.

BY DR. FRITZ:

Q Professor, two short questions. The Prosecutor, for reasons unknown to me, has made the subject of your evidence, the fact that you wore a beard and Miss Schmidt said you didn't have a beard when she saw you, is that right, or did you always wear a beard?

A For twenty-one years, from 1922 until 1942, I wore a moustache. From 1929 until 1936 I wore a full one which was famous on the whole Chinese coast and if a caricature was made of me then the mustache was the main point. In 1942 I removed it. Now in the Nurnberg prison I have let it grow again because when I came here the razor is taken away from the prisoners to prevent suicide and we were shaved every ten days at that time and if I have to run around with a beard nine days out of ten, I thought I might as well grow a beard.

Q Another question, the Prosecution when examining the witness, Schmidt, had her tell him how you greeted her during an exhibition in Strassbourg. Was that customary at all times?

A No, only when I was in uniform. What the witness described rather accurately was the prescribed salute for military personnel in the German Wehrmacht in closed rooms without head covering. The witness no doubt saw that salute frequently during the German occupation in Strassbourg.

Q When the war broke out were you drafted into the Wehrmacht?

A Yes, the Luftwaffe.

Q Would you please describe the development of your official work after being drafted into the army?

A Immediately after I was drafted on the 26th August, 1939 I was offered the position of a consulting hygienist under the medical inspectorate of the Luftwaffe. I remained in this position until the end of the war, only formally a few changes took place during the war at a time which I no longer recall. The name "consulting hygienist" was changed and made "consulting hygienist and tropical hygienist." When the po-

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sition of the medical inspector was changed to the chief of the Medical Service of the Luftwaffe, my title was also changed. Also when the group of consulting physicians was abandoned in 1944, a second consulting physician under the chief of the Medical Service of the Luftwaffe was appointed.

Q What was the military rank you held?

A I was drafted as Oberarzt of the Reserve, equivalent to 1st Lieutenant; in 1940 I became Stabsarzt, equivalent to Captain; in 1941 Oberstabsarzt, equivalent to Major; in 1942 Oberfeldarzt, equivalent to Lt. Colonel; in 1943 Oberstabsarzt, equivalent to Colonel; and finally about eight days before the collapse, 1 May 1945, I became Generalarzt which is equivalent to Brig. General, Medical Reserve Corps.

Q How much time did your military activities take up?

A That changed considerably in the course of time. In the beginning of 1939 I was only claimed for a very minor period of time. Most of my time I could still devote to work in the Institute and to my lectures...at the request of State Secretary Conti I was assigned as Hygienist to Resettlement in the winter of 1939-1940. During the campaign in France in 1940 I had no military duties but after this campaign it was again proposed at the end of 1940 for three months to be assigned to resettlement to Bessarabia and Bukovina and in 1941 there was a decisive change. My duties for the Luftwaffe became so demanding that I had to work all day at my Luftwaffe office.

Q Why was this change?

A There was a basic change in the organization in the Hygiene Service of the Luftwaffe. Originally the practice had been hygiene as territorial affair and territorial affairs were to be settled for the Army by the Luftwaffe at the same time. During the War this practice proved to be unfeasible. The Hygiene Service of the Army was so over-burdened that it could take care only of its own interests. The Theater of War kept expand-

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ing. Africa, Italy, Balkan, Creta, Greece were added. In the summer of 1941 there was added the Russian front too. The Luftwaffe was often commissioned in areas where it was alone or where it was preponderant. The extent of the hygiene duties increased. The Luftgay physicians had offices for hygienists under them which had existed only under Air Fleet physicians. There was the necessity of having our own bacteriological laboratories for the Luftwaffe set up - the so-called motor field laboratories. Also, measures against lice in the Luftwaffe were assigned to the Medical Service. Tropical Hygiene which in 1941 had been insignificant suddenly became important. Since the Luftwaffe did not have old regular hygiene offices this whole organization had to be built up during the war with reserve officers. Of course, that made a great deal of basic work for the central office. In addition questions of Tropical medicine were completely new for the troop physicians. That made a great many official trips necessary, to hold lectures and to instruct the officers or to investigate conditions among the troops.

Q. How could you combine your strong military duties with your civilian activity?

A. During my absence for several months in 1939 to 1940 for Racial German Resettlement I assigned work in my section in the Robert Koch Institute to my assistants who had to work more or less independently according to my long range instructions. In the lectures I had had my assistants organized to represent me. I had dictated manuscripts of all my lectures. Of course, there were individual difficulties but during the war one had to make concessions in many fields. Other offices, too, were unable to go on a peace time basis. Besides, I had the

special good fortune to have two experience tropical doctors as my assistants in my section who were not obligated to the Military service. That made things a little easier. In addition I had to increase the amount of work which I did myself. I had to subordinate all personal matters. I had to work in the evening and at night. Very many other people did the same thing during the war. We all knew that we were fighting for our existence.

Q Well, how was your work and practice?

A As the name of my office shows my activity was that of an advisor. I gave advice orally and in writing. This was not limited to the Medical Inspector himself, he was also advisor for the whole office. Anyone who wanted to have my opinion on a question the inspector, his Chief of Staff, and Section Chiefs could call me in for personal discussion. The referents could come to see me. The questions were presented and I gave my opinion. Simple matters were sometimes settled by telephone, or documents, reports from two doctors of other agencies were sent to me with a request for a written opinion or for a comprehensive opinion to be worked out. Or, I was called upon to prepare drafts and memorandum for instructions concerning my specialized field. I was also sent drafts made by other consulting physicians, perhaps from consulting internists or consultants for skin and venereal diseases to supplement such points in them which referred to hygiene. In addition I was also sent important reports for my attention even if no opinion was required from me so that I would be informed about the matters discussed in them.

Q What questions were worked on by you?

A In principle all the scientific side of the field

of hygiene and tropical hygiene, unless in individual cases other specialists were called in for consultation by the Inspectorate. Also from 1943 on the field of causes of death in air war and the prevention and reduction of health damages and death among the civilian population in air raids. Some time from the middle of 1943 to the middle of 1944 on that was the field which took most of my time. After basic clarification of the most important points in this field had been achieved, as my lecture in 1944 in Hohenlychen indicates, the amount of work in this field was lessened for me so that I could devote more time to hygiene questions.

Q In addition to working on such assignments did you have any other tasks?

A I also had to give many lectures which were made according to special instructions for post graduate courses for Luftwaffe Doctors in Berlin. Also, training courses organized by the Air Fleet or Airgau physicians where I was asked to hold lectures. I also gave a series of lectures to students of the Medical Academy of the Luftwaffe after they completed their studies. I often had to hold lectures to non-military audiences on non-air raid measures. On tropical medicine I also lectured for training courses of the Army at special request. I have only mentioned the important fields and there were quite a number of others.

Q You were adding something before when describing your field of activity in that you were dealing with the entire field of hygiene and tropical hygiene. It must be said then, as far as you know, other specialists were used. What does this limitation mean?

A That means that in limited fields the Medical

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Inspectorate did not call upon me but another specialist for advice. That could be done for three reasons, first that I had too much work and myself asked that the work be given to some one else. That was, for example the reason a second hygienist was appointed in the beginning of 1944 because I had too much to do with the problem of damage from air warfare and my DDT work.

Secondly, that might happen if the Inspector was of the opinion that, for a certain question, he had a better specialist working under him or if I myself said that in certain fields I had no practical experience and that some one else would be better. In the third place, that happened if the Inspectorate did not agree with my opinion but did not want to act on its own initiative against my advice but wanted a second opinion.

Q. Can you cite any examples for that?

A. For example, the training of the Luftwaffe medical service in decontamination questions. I was eliminated from that. The reason was that when this arrangement was created in questions of gas decontamination I had represented a basically different point of view than the Inspector Professor Hippke who did not agree with me. Therefore, all these courses were turned over to the consulting hygienist of Air Fleet 3 who agreed with the Inspector. Another example, in the creation of our bacteriological laboratories for the Luftwaffe, I had opposed them. I had said we should rely on the Army laboratories. When the decision fell out against me because Medical Inspector Hippke wanted to make himself independent to a large extent, I continued to hold the point of view that one needed at least the normal equipment of an Army laboratory. Here again the Inspector wanted a solution for the Luftwaffe alone. Since I made difficulties, this duty was also assigned to another consulting hygienist.

Q. In such cases you could no longer influence these matters, could you?

A. No, I did occasionally receive reports about them for my knowledge, but no longer offered any advice in this field. One scientific advisor is normally sufficient. Then it requires merely the executive decision. Only by exception, when there are doubts, does one seek for a second opinion. I was, moreover, so overworked that I did not have any ambition to have an absolute monopoly on advice in my field.

Generally, I was very happy if the work was done by some other specialist even if it was done differently than I would have done it. I am old enough to know that there are many roads to Rome and that very often one can do a thing in several ways and the final result will be the same.

Q. Were your suggestions of any influence to the Inspector? Did he abide by them of necessity?

A. My advice was in no way binding on the Inspector. The examples which I have mentioned show that there were differences of opinion on basic questions where sometimes exactly the opposite was done from what I had advised. Of course, there were exceptions. In general, my advice was accepted and my drafts. Perhaps they were revised and adjusted to the needs of the troops. If he had not considered my work in general useful, in spite of isolated cases of differences of opinion, I would hardly have remained in the same position during the whole war.

Q. Well then, how were the drafts of your suggestions worked on after you submitted them?

A. After the commanding officer of the Group Science and Research had taken notice of them and signed them,

they went in writing to the Medical Inspectorate. There they were treated like incoming mail from outside; that is, according to significance and contents they were sent to the Chief of Staff or to one of the section chiefs and were dealt with by the referent concerned according to instructions.

1. Did the Inspector always receive personal notice of your attitude in these questions?

A. No, only if I had officially or expressly noted that on the opinion or if the Chief of Staff or the section chief considered the matter important enough to submit it to the Inspector himself. Whether that was done I did not learn in individual cases or I learned it only if there were inquiries or the Inspector called me for an oral report.

2. Mr. President, in this connection I offer Rose Document No. 6 which is Rose Exhibit No. 6, the affidavit of Professor Dr. Walter Schnell, dated the 1st of March, 1947. This can be found in Rose Document Book No. 1 on pages 15 to 19. I should like to read a part of this affidavit. I am starting to quote from the third paragraph of page 15 of this document book.

"Concerning the position of the 'consultants' of the Luftwaffe, I have personal knowledge since I myself was a consulting hygienist in an air fleet, without, however, being able to quote verbally the service regulations for consultants, which incidentally, were also available in print. The consultants were, in the Medical Inspectorate as well as in the various air fleets, purely scientific experts who had no powers of command or operational powers whatsoever.

"As far as I know, the official position of the consultants in the Medical Inspectorate was exactly the same. They were not, say, superiors of the consultants of the various air wings; in fact, they had not even any direct contact with them. If any important sanitary events in an air fleet had to be reported, the consulting hygienist made his report to the wing physician who, in turn, passed the report on to the Medical Inspectorate. Whether the Chief of the medical service -- or his chief of staff decided to include the consulting hygienist of the Medical Inspectorate in the ensuing discussions or not, was left to his own judgment. When the consulting hygienist was included in the discussions, his opinion was by no means decisive but it merely represented an expert opinion before the Medical Inspectorate.

"My experience-reports and special reports for the Medical Inspectorate which had to be presented at fixed periods, had to be routed via the wing physician and were passed on to the Chief of the Medical Service, and not to the consulting hygienist of the Medical Inspectorate.

"On one occasion when I wanted to carry out large-scale measures to combat malaria from aeroplanes in a territory particularly subject to malaria, I first contacted Professor Rose directly by telephone to win his assistance for the work planned by me. I did that although I knew the above described division of functions within the medical inspectorate, and it was immediately obvious that even though Professor Rose agreed with me on the merits of the matter, he could not help me, nor did he know anything about my reports

about the hygienic case in question. He referred me to the official channels via the Air Wing physician and the Medical Inspectorate. This can be explained by the fact that there was a sharp division between the administrative field and the field of the scientific consultants, within the medical inspectorate .

"Thus, there was within the inspectorate proper, also a hygienics expert who, as the execution agent of the chief of staff or of the department head, dealt with the day by day flow of hygienic matters, whereas the consulting hygienist only was called upon to deal with special scientific assignments, expert opinions, etc. There were no official channels between the consulting hygienist of the Medical Inspectorate and the consulting hygienist of the Air wing.

"The consulting hygienist of the Medical Inspectorate, Professor Rose, and after 1944 also Chief Physician Dr. Muhlert -- were in no way my superiors, and I was not their subordinate, although both held higher rank than I. They had no right to direct or supervise me in any way. The consultant of the Air wing was subordinated solely to its Air wing physician.

"On official visits to Berlin I always reported personally to , and had discussions with, the chief of the Medical Service, the department heads and the sub-department heads, without the consulting hygienists of the Inspectorate, Professor Rose or Dr. Muhlert, taking part. If possible, however, I visited Professor Rose also in order to exchange views with him. It was not my duty to report to him. I regarded the visits as a matter of professional courtesy."

Mr. President, I shall revert, at a later period, to the further contents of this affidavit. However, at the same time I should like to offer the next document in the document book of Rose which is Rose No. 7 which will become Rose Exhibit No. 7. This is an affidavit of Dr. Ferdinand Muhlert who was repeatedly mentioned in the affidavit which I have just read. This affidavit bears the date of February, 1947. You can find it on pages 20 to 23 of my document book 1. The date is the 25th of February, 1947. Considering the importance of this matter I should also like to read this affidavit in part.

MR. HARDY: May it please Your Honor, this question as to the duties and functions of a consulting physician in either the Wehrmacht or the Luftwaffe, has been most elaborately explained to the Tribunal by Professor Handloser and Professor Schroeder, and it seems to me that it is unnecessary for any burdening of the record with reading the fact that a consulting physician did not have the authority to issue orders as such, this his position was merely one of suggestion, etc. That is the whole point of taking up the time here now with discussion of consulting physicians and I feel certain that the Tribunal is well aware of the position of the consulting physician. Therefore I object to any further details concerning the capacity of a consulting physician.

THE PRESIDENT: The Tribunal has had no opportunity to read the affidavit. If counsel for the prosecution agrees with these statements taken by Defendant Rose as the facts stated in this affidavit, there would be no use in reading it.

MR. HARDY: The Prosecution has no objection to the affidavit, as such, Your Honor.

JUDGE SEBRING: Do you agree, Mr. Hardy, that the position taken by this defendant and prior defendants in regard to the scope and authority of consultants is as maintained by them?

MR. HARDY: No, Your Honor, the Prosecution does not agree. However, the Prosecution submits that these details have been fully explained to the Tribunal at great length and, as a matter of fact, Dr. Handloser submitted nearly a treatise explaining the position of consulting physicians.

JUDGE SEBRING: Which you say you do not agree with?

MR. HARDY: We do not whole-heartedly agree, no, Your Honor.

THE PRESIDENT: The objection will be overruled. Counsel may read such portions of the affidavit as he deems particularly relevant with due regard to the matter of time.

DR. FRITZ: Mr. President, may I make one fundamental remark regarding this problem, because we shall, in the future, often revert to this matter of a consultant. He is not quite in agreement with the statements made by a number of the co-defendants or witnesses and especially since he is also responsible with Haagen in Haagen's actions, who was also a consulting physician with the Luftwaffe, he has to speak about these matters.

THE PRESIDENT: The Tribunal understand that, Counsel. That is the reason for the overruling of the objection made by Prosecution. Counsel may proceed and read such portions of this affidavit as he deems important to his defense.

BY DR. FRITZ:

I shall at first quote from Page 1 of that document, reading the eighth sentence of Paragraph 2:

"From the outbreak of war until 1944 I was consulting hygienist with the Air Fleet Physician of Air Fleet No. 2. In 1941 I became consulting hygienist with the Chief of the Luftwaffe Medical Services in addition to Professor Rose and remained in this position until the end of the war."

I shall now read from Page 2 of that document, starting from the third paragraph:

"Professor Rose was never my superior, neither in the medical service nor with the troops. I was therefore not

his subordinate. As consulting hygienist of Air Fleet No. 2 I was subordinate to the Air Fleet Physician. Neither did Professor Rose have any supervisory power over my activity with the Luftwaffe.

"When I became consulting hygienist with the Chief of the Luftwaffe Medical Services, I also had no supervisory powers over other consultants, and was not their superior. There was no Luftwaffe service regulation which obliged or entitled the consulting physicians of the Medical Inspectorate to supervise their colleagues amongst the Air Fleet physicians. The consulting physicians of the Medical Inspectorate were entitled to report personally to the Chief of the Luftwaffe Medical Services. They had to give their expert opinions on questions about which they were consulted. They had no power to issue orders and no right to give directives; they were also not entitled to ask for reports. They could not carry out any inspections without a special order, because such inspections would necessarily encroach on the sphere of command of an Air Fleet physician, who had his own consulting physicians.

"The military rank bestowed on the consulting physicians was to increase their authority in scientific medical matters in contrast to army doctors and other offices. For this reason, special regulations existed for the promotion of consulting physicians.

"My own reports, which I had to make as consulting hygienist of Air Fleet 2, went through the Air Fleet Physician, even if they were designed for the Inspector of the Medical Services. In the Luftwaffe no reports were made to the consulting physicians with the Chief of the Medical Services.

"It can be assumed that my reports from Air Fleet 2 were also directed to Professor Rose for his expert opinion, for information, and for exploitation. When I became consulting hygienist - in addition to Professor Rose - with the Chief of the Luftwaffe Medical Services, I also received reports from consulting physicians and other medical offices sent by the office of the Chief of the Luftwaffe Medical Services, with a request to express my opinion, to make suggestions, or to compile the experiences from a large number of such reports from various sources into a critical complete report. As mentioned above, this happened only very occasionally.

"I do not know how my views and reports were further utilized.

"While I was consulting physician with Air Fleet 2, Professor Rose repeatedly made official visits into my sphere. They were made on special orders from the Medical Inspectorate and the Air Fleet physician was notified. The object of these visits was not to supervise my activities but either to lecture at post graduate courses for physicians, or to see personally the conditions amongst the troops, and therefore not to be completely dependent on written reports.

"I accompanied Professor Rose on only one of these trips, because at that time he was particularly occupied with the malaria problem in the Mediterranean, and as a specialist for tropical medicine he had greater experience in this special sphere than I." End of quote.

Mr. President, the Defendant Rose pointed out to me that in the Affidavit Schnell, Rose Document No. 6, which I read before, there is a mistake in the English copy, since the word "Luftflotte" which often appears, was

translated with "Wing". In order to be correct one should substitute "Fleet" for "Wing" - Air Fleet - Luftflotte - Air Fleet. In the same affidavit, the rank "Oberstarzt" was translated with "Chief Physician" whereas it should be "Colonel, Medical Corps." This is of some considerable importance.

THE PRESIDENT: It would be of assistance to the Tribunal if a corrected English translation of this document be furnished to each member of the Tribunal for this document book; also for the reserve copies in the offices of the Secretary General.

BY DR. FRITZ:

Q Did you participate in the meetings of the consulting physicians?

A May I remark that the difference between Wing and Fleet is competent, because a Wing is in German, Geschwader, and is under a Colonel, where Fleet is under a four or five star general. The rank and authority of the work in this office consequently differ considerably too.

Now, about the meetings, since the meetings of consulting physicians were held as joint meetings of the three branches of the Wehrmacht, I was also appointed to attend these meetings. The second in 1942, the third in 1943, and the fourth in 1944. I also visited the meetings of civilian scientific societies, insofar as matters dealing with my specialized field were discussed there. At the 4th meeting of consulting physicians in 1944 in Hohenlychen I was the chairman of the action for hygiene and tropical hygiene.

Q Did you have to make any official trips?

A Yes, I was ordered to make official trips by the Inspectorate, and I would do them on my own initiative too, I would make application for them. The purpose of the trips was to investigate conditions among the troops in order to avoid passing judgment on the basis merely of written information. These trips were often connected with lectures. In the first years of the war these trips were mostly to the theatres of war outside the Reich. From the middle of 1943 the homeland problem was in the foreground, because I was primarily dealing with the damage resulting from air warfare.

Q Did you have any other military duties or any further rights?

A No, my position was the same as that of other consulting physicians. I could not issue any orders or instructions, only

from the end of 1943 on was there one exception. The section for fever therapy of the Luftwaffe was expressly under my command, and I could issue orders and instructions for it.

Q Now, if you found any deficiencies during your official trips as a result of it, in your opinion the troops were in danger, wouldn't you issue orders right there and then in order to help remove these deficiencies?

A No, that was not possible. If it were something very urgent I could inform the locally competent medical officer of my opinion. Whether he issued corresponding instructions was up to him. If they were basic questions I could report to the medical inspector after my return and I could make suggestions which were then worked out as I have already described.

Q Did you have to exercise supervision over the consulting hygienist in the airfleet?

A No, I did not exercise any such supervision. If the Medical Inspectorate considered it necessary I was merely given the written reports either merely for my information or for my knowledge.

Q In that case you were not the superior of the other hygienists of the Luftwaffe?

A No, I was in no way their superior.

Q Professor, the question regarding your supervisory right or your duty to supervise Professor Haagen was the subject of repeated examination of Professor Schroeder on the part of the Prosecution. I now hand you the transcript of the 26 of February 1947, which deals with that point. Now, if you will be good enough to look at the afternoon session you will find on page 3635, and this is the German transcript, a question propounded by Mr. McHaney: "It was Rose's duty that he would have to be continually informed about experiments in this field, isn't that right?" and Professor Schroeder's answer read, "Rose, according to the directives, which his Chief Hippke gave him probably concerned himself

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with these research assignments," and then the end of Schroeder's answer reads, and that is in answer to the next question of Mr. McHaney: "It could only be done in the way that he only exercised this inspection by order of his superior." And I am now asking you, was it your duty to exercise supervision of research assignments which dealt with your field of work, and furthermore did you at any time receive an order, a special order in order to carry out an inspection of the research assignments either by Schroeder or Hippke?

A To the first question, no. I did not even have the right or the duty to supervise the activities of the hygienists or consult hygienists in subordinate positions of the Luftwaffe. Of course, I did not have any such duty of supervision of activity which was not in the service of the Luftwaffe, but in their civilian positions, for which they received no instructions from the Luftwaffe, but merely financial support. To the second question I must also say, no. Neither from Professor Hippke, nor from Professor Schroeder did I ever receive any assignment to inform myself as to the value of work at a research assignment and to report on it, and therefore I never did so. Those who had the research assignments made their own reports. If they reported orally I was not called in. If they sent in a written report, this report was, in most cases, no doubt, sent to me either for my attention or for my comment.

Q Professor, will you please look at the transcript of the morning session of the very same day and turn to page 3572, and the following sentence can be found in an answer made by Professor Schroeder, and I quote: "The consulting physicians had a right to obtain information." What do you know about this right to obtain information?

A This expression I heard for the first time in Professor Schroeder's testimony. I do not know what "right to obtain

information" means, Informationsrecht; I do not know any service regulations concerning any such right of the consulting physicians, and at least I never exercised any such right.

Q What was your relationship to the other consulting hygienists, I mean according to their rank and age?

A At the beginning of the war the consulting hygienists with the Airfleet, with one exception were all older than I and also my seniors in service. In most cases they had a higher rank than I did. I began as Oberarzt d. Reserve, which is equivalent to a First Lieutenant. The others were all Stabsaerzte, and Oberstabsaerzte, or captains and majors. During the war this was changed insofar with the increase of a number of hygienists younger colleagues were appointed to such positions. That changed nothing in our official relationships, however. I did not become their superior. Only when I was promoted to Generalarzt, Brigadier General, on the 1st of May 1945, that is a week before the collapse, did I become a general hygienist of the Luftwaffe, but that does not mean that on the 1st of May 1945 I became the superior of the other hygienists.

Q What staff was at your disposal in your position as consulting physician?

A I had no staff. I had one and sometimes two clerical assistants, and I did not have any deputy. The position of consulting physician in the Luftwaffe was limited to the person of the consulting physician and his professional knowledge.

Q Did you have to deal with any questions of aviation medicine?

A No, I had nothing to do with aviation medicine. This specialized field was given special attention in the Luftwaffe, of course. There were quite a number of specialists in that field. As a special consultant for aviation medicine there were special deputies and also a consulting physiologist. These people were

competent for such questions, and had to divide the various fields among themselves. I was not concerned in this as a hygienist. Since I was working for the Luftwaffe, of course from personal interest, I read Dr. Ruff's Book on aviation medicine, and I regularly looked at the magazine journal for aviation medicine, but I personally was never called on officially for this work.

Q Did you yourself write any essays for the periodical for aviation medicine?

A No, because I know nothing about it.

Q But you once wrote an essay about the spread of epidemics on the basis of air traffic; that didn't have anything to do with aviation medicine?

A I did write such an article in a textbook on hygiene, but this does not belong to aviation medicine. It is a specialized field of traffic hygiene. This is a spread of epidemic by ships or railroads. Hygienists and public health officers everywhere and a number of aviation medical experts deal with this question.

Q. Did research assignments given by the Medical Inspectorate of the Air Force in the hygienic field come under your supervision? I mean the hygienic field now.

A. No, the hygienic research assignments were not under my supervision either. Insofar as the persons holding such assignments submitted working reports, I was generally sent these reports for my attention or comment, at least in the later years of the war, from 1941 on. There were very few hygienic assignments in the Luftwaffe and the execution of the assignments was in the hands of the research workers given such assignments. I am not aware that any kind of supervision was carried out over the execution.

Q. If any such assignments were given, somebody must have had to supervise their execution.

A. I believe that the word assignment was misused considerably. It is therefore advisable to clarify what such an assignment amounted to and what its practical effects were. First of all, at least in the case of the hygiene assignments which I knew about, without exception the initiative came from the person who received the assignment. That is, the director of the Hygienic Institute makes an application that he be given a so-called assignment about a certain problem. In peace time I myself had the German research association give me such an assignment. The only reason was that I did not want to be dependent on the approval of my president for every minor detail, but needed certain means which I could dispose of by myself without any bureaucratic restrictions. The approval of the research assignment was necessary to secure a certain sum of money, as supervision was exercised over the use of this money so far as accounts had to be submitted, which were also checked from time to time, and work reports were demanded. If anyone had even imagined that through approval of such financial support he was undertaking penal and legal responsibility for all of the activities of the men to whom he was giving assistance, then there would certainly have been no one who would have undertaken to distribute this money. To stick to my own example, in

1938 I received a research assignment by the establishment and maintenance of an anopheles colony at the Robert Koch Institute. The assignment was signed and approved by Professor Sauerbruch. Later he became head of the specialized department for medicine in the Reich Research Council. I am firmly convinced that Geheimrat Sauerbruch even today has no idea what an anopheles colony is, or what was done with it, but he knows who I am. He knows that I wrote successful papers or literature; he no doubt assumed so because I held this position in the Robert Koch Institute. I do not believe that Sauerbruch ever read anything which I had written; therefore, he relied completely on the fact that the applicant personally offered adequate guarantee for the sincere use of this money. In any case I, as the recipient of such an assignment, was always convinced that by accepting this money I did not in any way become subordinate and that the person giving me the money acquired no other rights than that of regular accounting about the use of the money with a report, and that he assumed no other duties toward me than to supply the money furnished at the time promised. I have considered myself responsible for what I did.

Q. Did you take part in giving research assignments in the Luftwaffe in the hygienic field?

A. I was not called upon to assist in giving research assignments and I never made any suggestions for such research assignments.

Q. How was that really handled? How were these research assignments really given out?

A. I cannot say for sure in the Luftwaffe since I had nothing to do with it. I myself never received any such assignment from the Medical Inspectorate of the Luftwaffe. From my own general knowledge of the way business was conducted there I assume that the applicant presented his application in writing and no doubt orally at the same time. Either he could have taken it to the competent section chief, which would have been the best way, but of course he could also express his wishes

to the Chief of Staff or to the Inspectorat personally, but that would have been a detour because the thing had to reach the section chief eventually. The section chief passed the matter on to the referent, if the latter had not already been called to the conference. It was actually not necessary for the referent to carry the matter through, that could only follow knowledge of the suggestions, otherwise there was nothing to work on. Then, after the approval of the application, it was sent to the Department 11-F for formal issuance and then to the budget group, which had to take care of distributing the money. Becker-Freysing no doubt knows more about these events but this is merely an assumption on my part. He will probably be able to make more exact statements.

Q. Were you not at all participating in these negotiations?

A. No, that is obvious. To decide whether influenza research is important, the section chief, after the matter has been presented to him by an expert, does not need an expert opinion from anyone else. From 1941 on, I no doubt generally received information after an assignment had been issued; then, as I have said, I received the work reports; if any were received, I no doubt generally received them.

Q. Did you not have to make any utterances about the value of that work?

A. In some cases I, no doubt, made a commentary on it when I handed a report back but the matter was as follows: If, for example, Professor Knorr received a subsidy for such research for work on a mobile drinking water apparatus, he applied for and received this assignment because for twenty years he had worked very specifically with drinking water questions, water filters, and water disinfection. He was the expert on this question and my opinion was of secondary value. If Professor Haagen reported on his work on yellow fever vaccines or typhus vaccines, then his report was justly more important in the eyes of the Medical Inspectorate than any comment I might have made. Professor Hoering testified here yesterday that in respect to yellow fever Professor Haagen was the

only internationally recognized expert in Germany in that field. Haagen was the most important virus specialist in Germany and for this reason received the subsidies which he applied for. These conditions resulted from the nature of the case.

Q. But in your letter to Professor Haagen, dated 9 June 1943, you are telling Haagen about his research assignment, are you not? The assignment to which he objected - this is Document of the Prosecution NO-306, to be found on page 77 of Document Book No. 12, Prosecution Exhibit 296. How about that?

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A. As the previous document 305, page 76 of document book 12 of the Prosecution shows, Professor Haugen had given me some information out of friendliness; since he was not in Berlin but in Strassbourg he obviously took advantage of this opportunity to inquire how his business was coming along. Such brief inquiries about official matters are prohibited everywhere but they are equally customary everywhere, no doubt. I needed merely to call up the particular doctor, chief or referent and have the information in one minute. All I said in the letter was that the competent referent was on a trip, and that he would have to wait. That was just a matter of courtesy which happens every day. That happened almost every week in matters involving personnel affairs, that one got a letter from some acquaintance to investigate some matter or other, or to put in a good word with the referent, such requests, of course, I, of course, took care of although I had nothing to do with personnel matters. I discussed the matter briefly by telephone with the referent or called on him personally if I had something to do at the inspection or at any how and then I sent the required information to the acquaintance.

Q. Professor, the Prosecution accuses you of conspiracy for committing crimes of a criminal nature together with the rest of the defendants. How were you connected with the other defendants?

A. Seven of my co-defendants were unknown to me until the beginning of the trial, either by name, position, or person. Those are Rudolf Brandt, Poppendick, Sievers, Rosenberg, Brack, Heven, Beiglboeck, Barkorny, Oberhauser, and Fischer. By name and sight I knew three of them, Gensken, Gehardt and Huff. I had nothing to do with them either officially or otherwise and I did not talk to them or have any correspondence with them. That leaves eight. I knew Karl Brandt, of course. He is a well known personality in his position as Reichs Commissioner. Twice I had something to do

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with him officially. There is an affidavit on the subject. Then I saw him twice at public lectures, but did not speak to him. Professor Handloser I knew because of his office. I had official connection with him and his office, especially from 1944 on, I had to get opinions when they were required but these relations were not very extensive. It happened very rarely. Professor Rostock was known to me as the Dean of the Medical Faculty of the University of Berlin. I had correspondence with him in matters dealing with the faculty and with lectures. I knew he was the office chief with the Reichs Commissioner. I had correspondence with him once in this capacity on questions of electronic microscopy, and I am sure I saw him at medical lectures, but aside from exchanging correspondence we did not talk because generally he stayed with the surgeons and I stayed with the hygienists. Professor Schroeder was Chief of Staff from 1939-1940 and later from 1944 on Chief of the Medical Service of the Luftwaffe, and as such was my superior. As consulting hygienist, I had official as well as personal relations with him. Nevertheless, the questions under indictment here were never discussed between us before the collapse. After the collapse we were in the same internment camp for sometime and there we discussed this on the basis of reports from the press. I met Professor Blome during the war. As far as I recall I talked to him about three times personally, and Becker Freysing I knew in his official position as auxiliary Referent under Professor Anthony, and later as his successor, Professor Woltz I saw twice in my life, once at the glider contest at the Rhoe in 1927, the second time at the Cold meeting in Murnberg, in 1942, when he held a lecture on animal experiments. As far as I know I saw Mr. Sievers twice. I knew that he was studying the problem of removing salt from sea water by chemical means, but I, myself, had no official connection with this work and knew no details about his work. Our acquaintance was so superficial that, for example, I did not recognize him when I met

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him here and he had to remind me that I had seen him before. Professor Arugowsky I knew as a lecturer for hygiene from the Berlin Medical Faculty. Then I met him at large Hygiene Conferences. I was at his institute once when a delousing apparatus was to be demonstrated which he had had developed. Professor Arugowsky is the only one of the co-defendants with whom, during the war, I discussed the problem of experiments on human beings. That was following the lecture of him on the experiments at Buchenwald, but I shall come back to that when we discuss the typhus experiments.

Q. The Prosecution described the meeting of the consulting physicians as a typical gathering of conspirators who were going to plan crimes. As you have testified, you yourself participated in three of such meetings. What was your impression of these meetings?

A. They were absolutely typical medical meetings of medical societies only in two respects, first, because the number of participants was limited, and that purely for reasons of space, and numerous specialized groups were called together for one meeting, where during peace time generally only two or three specialities had to coordinate their meetings. Otherwise, in contents and in form I saw no difference between these and the usual medical scientific congresses.

Q. But directives were set up, weren't they?

A. That is also done in civilian medical meetings. There too it happens that such directives are set up and accepted by scientific societies as official, and then they are passed on to the authorities and to the legislative bodies and then binding regulations are made from such directives of the Congress.

Q. During such meetings there were lectures held on experiments on human beings in the case of two sections of such meetings?

A. That is done in exactly the same way as at public meetings of medical societies. I myself heard lectures about experiments on

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human beings at international meetings. That is a matter of course. At congresses, especially important matters are reported, and experiments on human beings are in general made only in case of most vital problems.

Q. But here we are concerned with experiments on human beings who were condemned to death?

A. I advise you that only at the report of the meeting of the Manila Medical Association of Manila, there you will find a number of similar lectures on similar experiments on persons condemned to death who were not volunteers and also on so-called volunteers, where from a purely ethical standpoint one could have different opinions about the degree of volunteering in which the audience were of different opinions.

Q. How did you know this judgment of the listeners in that case?

A. In my many years in East Asia I attended a number of international meetings and Congresses. In the Far East I was even Chairman at one of them, since the work of the American Health Administration in Manila was for all of us of the greatest importance scientifically. It was, of course, discussed in detail in circles of specialists, and of course the question of the experimental subject is discussed. For example, the question how it comes about that at a certain time 29 people condemned to death are certainly available for an experiment.

Q. What part did you yourself play in these meetings of the consulting physicians at the military medical academy?

A. The role of a participant and auditor, as well as that of a lecturer. My reports on malaria at these meetings, has already been taken into the evidence submitted by the Prosecution.

DR. FRITZ: Mr. President, in my document book Rose No. 1, I have re-produced some of the printed excerpts from meetings of the consulting physicians which have been duly certified and simultaneously

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for the convenience of the Tribunal I have also reproduced the Exhibit No. 922 of the Prosecution, or rather document No. 922 of the Prosecution which is Exhibit 435, which is an excerpt from the second work meeting of 1942. The excerpts which I made were given the numbers Rose document No. 36, which is Rose Exhibit No. 8; then Rose document No. 37, which will be Rose Exhibit No. 9. I beg your pardon, Mr. President. These excerpts are to be found in my document book Rose No. 3, I beg your pardon.

THE PRESIDENT: Will you give us again those document numbers, counsel. Will you repeat those document numbers and Exhibit numbers?

DR. FRITZ: We are concerned with Rose Document No. 36, which is to be found on page 21 and 22 of Document Book Rose III which will be Rose Exhibit No. 8. Then follows in the same Document Book the following document of the Prosecution NO-922 which already has an exhibit number and I should, therefore, not like to give it another.

THE PRESIDENT: What is the Prosecution Exhibit No., counsel?

DR. FRITZ: It is Exhibit No. 435, Mr. President. Then follows the excerpt from the Second Conference of the Consulting Specialists Rose No. 37, which will be Exhibit Rose No. 9, to be found on pages 36 to 38 in Rose Document Book III. Then, as Rose No. 38 I submit the excerpt from the Report of the Third Conference East of the Consulting Specialists of 24-26 May 1943, to be found on pages 39 to 52, which will become Rose Exhibit No. 10. And, finally I offer as Rose Document No. 39 the excerpts from the report about a fourth conference of the Consulting Specialists which is to be found on pages 53 to 77 of the Document Book Rose No. III. This document will receive Rose Exhibit No. 11.

MR. HARDY: May I inquire as to whether or not these four exhibits, 8-9-10-11, are from the report introduced by the Prosecution?

DR. FRITZ: Mr. President, the German Document Book III has not yet been mimeographed, at any rate it is not available to us as yet. I should, therefore, like to ask permission that I should hand them first to Professor Rose before giving them to the Secretary General. This is the only copy I have. No further copies have been mimeographed but as soon as Professor Rose is finished with it I shall hand it to the Secretary General.

THE PRESIDENT: You may use your copy in that manner.

DR. FRITZ: Mr. President --

THE PRESIDENT: Of course, in using this Document Book in this manner at this time it is understood later on that complete copies will be furnished to the Tribunal, counsel, and the Secretary

General.

DR. FRITZ: Mr. President, the Secretary General already has them, I think. They are already in German. The Secretary General has three German copies for the Tribunal. Unfortunately, I haven't as yet received them.

BY DR. FRITZ:

Q. I have just sent these excerpts to you and I shall have Document No-922 of the Prosecution sent to you.

A. Thank you. It isn't necessary I have it.

Q. Now would you please describe these excerpts to the Tribunal very briefly, in particular, the exhibit submitted by the Prosecution.

A. Perhaps I can change the order. This second meeting - the first meeting was not very important, the first conspiracy in May 1942, I was not present personally but my work was mentioned on page 77 by Mr. Klauberg who refers to the work - my work on the transfer of bacterial dysentery by flies. I may remark that this Mr. Klauberg is not identical with, nor does he have any connection with Gynecologist Klauberg who was repeatedly mentioned in the sterilization documents. This Professor Klauberg is a bacteriologist and is still in office today with the approval of the Military Government. About the second conspiracy the Prosecution has submitted my malaria reports. They are on page 30 of this document. No, I beg your pardon, 30 of the Document Book, page 3 of the document. I spoke about the effectiveness of atabrine prophylaxis.

Q. Mr. President, this is document of Prosecution No-922 to be found on pages 23-35 of Document Book Rose III. Please continue, Professor.

A. In my lecture on page 30 of the Document Book I spoke about atabrine prophylaxis. Then I spoke of malaria treatment doses, malaria relapses, then I discuss the scientific question of provocations in the course of treatment. Then I spoke of the significance of malaria in blood conserves and a self experiment is

referred to which one of my assistants carried out which has a certain significance in literature. And, then I deal with mosquito control. Mr second lecture is this meeting dealing with the combating of anopheles by planes. Other participants in this meeting comment on my lecture. Mr. Menk speaks of what I said about atabrine dosage and is kind enough to confirm the correctness of my statements. Then Professor Rodenwaldt refers to my lecture and he says, "What Mr. Rose has stated about prophylaxis and therapy of malaria will be fully confirmed by everyone who has experience in tropical medicine, etc," That was very friendly of Mr. Rodenwaldt to support me with his authority.

Then in Document 37 on page 37 of this Document Book another participant at the meeting, Professor Hauer, refers to my statements and adds something. Then farther down the bacteriologist Klauberg again, who again refers to my work on flies and bacterial dysentery. The third conspiracy in May 1943 is on page 40 of the Document Book. There are discussion remarks by me - first the experiments of the Robert Koch Institute is reported compared to what Mr. Doetzer had previously reported. That is important for a document in this trial. Yesterday Professor Hagen was mentioned by the lawyer for Becker-Freyseng.

Q. You mean Professor Hoering?

A. Yes, Professor Hoering. I beg your pardon. And Becker-Freyseng's counsel asked Professor Hoering about a report which Professor Haagen had had prepared on vaccine for typhoid and cholera. Mr. Hoering had considered this report a model or a conspiracy report of troop physicians but he said expressly that the vaccine used in that case was something quite old. Here it says, black on white, that several years before at the meeting of consulting physicians I said that for six years this method had been used at the Robert Koch Institute and that it was generally used throughout the world. Then the last remark to Mr. Ruge - the question whether with one single inoculation one can have the same success as with repeated inoculations.

Then I report on scarlet fever and diphtheria vaccine. Then I answer the question from Professor Schreiber as to whether passive inoculation is advisable in diphtheria. I say, "No." And I point out that it is forbidden in the Luftwaffe while it was recommended in the Army on my request - proof of the difference in technical regulations in the various branches of the Wehrmacht. Then there comes another speaker and it says my objection to a certain vaccine was wrong. He says he had good experience with it. Then comes another speaker who says "Rose is right." Then comes my remark on Ding's typhus report. This printed report of the meeting contains only what I said about the scientific significance of Mr. Ding's experiments. Since I intend to discuss Ding's experiments in another connection I shall like to go back to this at that time, and also the remark of Professor Uhlenhuth.

THE PRESIDENT: Witness, at this time the Tribunal will be in recess until 2 o'clock. You may then continue.

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 18 April 1947)

THE MARSHAL: Persons in the court room will please find their seats. The Tribunal is again in session.

GERHARD ROSE - Resumed

DIRECT EXAMINATION (continued)

BY DR. FRITZ:

Q. Professor, will you please continue with your explanation of the excerpts from the meetings which are before you?

A. When I stopped speaking I was dealing with Rose Exhibit #10, Document #39, which is contained in Document Volume #3.

JUDGE SEBRING: Doctor, is it possible, when you refer to the number in the German document book, to also give the Tribunal the number in the English document book, or do you have before you the English document book?

WITNESS: No, I only have the German document book. The pages are nearly identical.

BY DR. FRITZ:

Q. In Document Books 1 and 2, I have examined them, and the pages correspond exactly with the German text. In Document Book 3 I have not checked it yet.

A. I stopped on page 6 of that document which is page 45 in Document Book #3 in the German as well as in the English. (The interpreter just kindly gave me an English copy.)

On page 116, there is a remark about disinfection of carriers of protozoa in the intestines and my experience regarding its treatment.

Then, on the next page, there are a few remarks about the danger of malaria

to the German population from returning malaria infected soldiers. This continues for a number of pages. There are some remarks made about field latrines.

I skip pages 49, 50, 51, and 52. These are not remarks made by me. We shall later use these excerpts when dealing with the count of the indictment of malaria.

This brings me to Rose Exhibit #11 which is Rose Document #39, to be found in Document Book #3 on page 53 in the German as well as the English. We are here dealing with the Fourth Meeting of the Consulting Physicians. At first, there is a very detailed lecture by me about the causes of danger to health originating from aerial warfare. This was the lecture to which Professor Hooring already referred to in his testimony yesterday. On page 17 of that original document, or 70 of the document book in the English as well as in the German, the discussion of the professional groups of hygiene and tropical hygiene are starting in which I, at that time, was chairman. At first, there are my introductory remarks regarding Gasarol and Gix. These were the two most important DDT preparations which were available to us in Germany. Then there are a number of lectures by other scientists on that same subject. On page 71 there is a further discussion remark on that subject by me. On page 72 there is a discussion of the lectures on delousing with DDT preparations. On page 73 there is a discussion of the importance of DDT preparations when combatting the flea plague and a few remarks which I made regarding the lectures by other scientists with reference to the importance of DDT preparations when combatting bugs. On page 74 there are remarks regarding diphtheria and scarlet fever vaccination, and on pages 75 and 76 there is a short report about the

experiences we made in the Luftwaffe with these vaccinations. On page 77 there is another discussion remark on the same subject and, at the end of my introductory remarks, you find remarks about peppetaci fever which is sand fly fever. Then there is a remark made by another lecturer who refers to my reports.

Q. Do these four documents, Professor, contain everything that you ever reported yourself at these meetings of consulting physicians or everything that you remarked during discussions about lecturers or everything that was said about you or your lectures at these meetings?

A. Yes, I looked through these four books exactly-page after page - and ⁺ made excerpts in every case where I said something personally during these meetings, or whenever other people made any remarks about my utterances during these meetings. I can hardly imagine that I missed anything when going through these documents.

Q. At the Fourth Meeting of Consulting Physicians you yourself were the Chairman in the Section for Hygiene and Tropical Hygiene? Did you have anything to do with setting up the program?

A. Yes, in collaboration with the competent referent at the Chief of the Wehrmacht Medical Service, and in collaboration with a number of specialists known to me with the competent Wehrmacht agencies, I drafted a program for my section. This program later had to undergo a few alterations by the Wehrmacht Medical Service which, in effect, meant that a few subjects to be dealt with were stricken out. In addition, after the meeting, I compiled the excerpts and the draft for printing purposes and then transmitted it to the referent with the Chief of the Wehrmacht Medical Service for further working.

Q. Professor, I come back to my previous question very briefly. You mean, of course, that these excerpts contained everything with the exception of your remarks which were not printed made after Ding's lecture?

A. Yes, that is what I said when discussing the printed part very briefly.

Q. At earlier meetings did you have any part in setting up the program?

A. No, in the case of the three former meetings I was not asked to participate in working out the program. I am in no position to give any information as to how the procedure was applied at that time. That is, when I was Chairman of the Fourth meeting of the Hygiene section. Then I prepared the program as I considered it to be expedient. I received no directives, there were no regulations. As a Chairman I worked it out as I would have done in the case of a civilian meeting. The assignment for this lecture on malaria in the case of the second meeting I received directly from the Medical Inspectorate of the Luftwaffe. I don't know who at that time initiated my being called upon to lecture and before that meeting I did not know who else would speak about malaria. My utterances during that meeting had to be adapted to what other gentlemen said about malaria during that meeting. These gentlemen partly made similar remarks which caused me to change my lecture in order not to make repetitions.

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Q. Now please explain briefly the contents of what went on in the Hygiene Group under your chairmanship at the 4th meeting.

A. This green book containing the reports of the 4th meeting was made available here by the Prosecution and I am therefore in a position to say that the record of the Section Hygiene and Tropical Hygiene are in pages 159 to 205 of the printed daily report. The three main subjects of this section dealt with, first of all, the combatting of insects, especially by using DDT preparations when combatting insects. These were reports made on the basis of laboratory experiences and practical experiences. Lectures held by these various scientists are found on pages 159 up to 189. The second subject dealt with the results of physicians against diphtheria and scarlet fever. Only practical experiences and the application and results of these vaccinations on troops were reported on. None of the lecturers was a member of the SS, therefore no physician of any concentration camp was participating so that no experiences could have been reported about vaccinations carried out in concentration camps. The third main subject was the Pappataci fever (sand fly fever.) In the green book this is found in pages 197 to 205. Here only clinical experiences on the sick bed were reported on its practical combatting. Here again the use of DDT preparation was put into the foreground. One of the lecturers was Professor Hoering.

Q. At this 4th meeting you also held a lecture at the general session for all participants in the meeting. What did this lecture deal with?

A. When discussing the document I already mentioned it briefly. This lecture was the results of a year's work about damages to health resulting from aerial warfare. It contains my own observations. It furthermore speaks about the evaluation of the experience reports from various groups of physicians who were assigned to the various Luftgaus in order to study these questions. Furthermore, therein is

contained the results of scientific papers written by specialists on the subject who were working on single problems in this entire complex.

Q. And what did you hear at these meetings about experiments on human beings?

A. I only heard the lecture by Dr. Ding, which was repeatedly mentioned here, which gave rise to my protest. However, I think it would be more expedient to discuss this matter when dealing with typhus.

Q. Did you hear that other participants spoke about the lectures of Professor Gabhardt and Dr. Fischer?

A. No, I myself was not present during that lecture, and I did not hear it discussed afterwards. Probably I must have read it afterwards, in the form as it is printed in the report of the meeting. At that time, however, I did not notice that this was a question of intentional infections on human beings. Of course today, after knowing the entire connection, one could perhaps conclude something like that from reading the diary. At that time, however, I did not notice it or at least I overlooked the entire lecture because, perhaps for reasons of time, I did not read all the lectures which were held in the surgical section. I can no longer say that today with any amount of certainty.

Q. Did you hear Professor Holzloehner at the second meeting of consulting physicians?

A. No, I did not hear Holzloehner's lecture during the second meeting of consulting physicians. I only went to the Hygiene Section when participating in the meeting of consulting physicians and was not always present during the general meeting. These general meetings I sometimes failed to visit in cases when the subjects did not interest me in particular and I had more urgent work to do elsewhere. For instance, I sometimes used that opportunity in order to speak to a number of hygienists who had just come from the Front to participate

in this meeting.

Q. Now I come to the subject of typhus. You are charged with special responsibility for typhus experiments in the concentration camps Buchenwald and Natzweiler. Please tell the Tribunal first of all, to what extent, in your professional training, you came into contact with typhus at all.

A. During the war of 1914 to 1918 I saw no typhus whatsoever since I was only committed in the west where typhus did not prevail. After the war, however, I had opportunity, during my studies and as an intern at Breslau, to see a few cases of typhus which, as a result of the war, appeared in Silesia. In the institute where I received my first training in hygiene, typhus was either not dealt with at all, apart from the execution of the so-called Weil-Felix reaction, or I was busy in another department, as in the case of the Robert Koch Institute. During my years in China I received practical contact with typhus, because on many occasions I was asked to help in the combat of typhus, in cases of smaller epidemics which broke out in prisons, in the case of soldiers, or refugee camps. These, however, were very rare occasions. Chekiang is south of the Yangtse and in the south of China typhus does not occur frequently. At any rate, it sufficed to get myself infected. At that time I spent 4 weeks in a hospital, suffering from typhus. From a scientific point of view not much was done on typhus in my institute because it played no particular part in the province in which I was residing and where we had many more important parasitological problems.

Q. Then during this time you were connected only with the practical combatting of it?

A. I just had to deal with the combatting and not with the scientific work connected with it.

Q. Did you become acquainted with any typhus institutes on your trips?

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A. In Peking a Typhus Vaccine Institute was founded during the time I was in China where the Weigl procedure was adopted. However, I had no opportunity to visit that institute. During my stay in the South Seas, that is, in British Malaya, I got into contact with the specialists there about their work and about the tropical typhus. When traveling through Northern American, upon recommendation of the Rockefeller Foundation, I visited the Rocky Mountain Spotted Fever Institute which is in Hamilton, Montana. There I was vaccinated with the vaccine produced there. I looked at the laboratories; I looked at patients located in a neighboring hospital; and I generally had the local situations shown to me where such infections occurred.. During my journey through Africa I visited the specialists at Pretoria and Johannesburg who had to deal with tick-bite fever, which belongs to the group of typhus.

Q. Were you especially interested in typhus at that time because you visited such typhus research workers especially?

A. The ricketsia, the typhus ricketsia, are the most important epidemics that exist. During my journeys I took every opportunity to inform myself of the work done by important researchers. In that way, for instance, I visited important animal epidemical institutes although I am not a veterinarian and in practice never got into contact with animal epidemics.

Q. After your return to Germany did you work with typhus?

A. Not in the laboratory. When in the year 1937 I took over the tropical department of the Robert Koch Institute, nobody in that institute was working on typhus. For decades such work was carried out there by Otten, who was the only person in Germany who dealt with typhus research during the period between the two great wars. Otten in the meantime had left for Frankfurt where he continued his work. Then in the year 1939 controversy arose between Gildemeister and Haagen on the one hand and myself on the other. I had accepted Professor Moellers's request to write a few chapters about typhus for a new edition of a hygiene textbook. The other two gentlemen accused me of thereby interfering in their competency and they said that, even if at the time they were not working on typhus, typhus at the same time belonged in their sphere of work, viz., belonged in virus research, and they said I did not have the right to accept any such assignment and for reasons of comradeship should have ceded it to those two gentlemen who were known to be the virus research workers in that institute.

Q. Why did Professor Moellers, who should have known that, come to you and not to one of the other two gentlemen?

A. Moellers was a personal friend of mine and often had me tell him of my journeys. He wanted that the Exotic Ricketsia be given some consideration in that new edition, whereas before only the European lice typhus had been dealt with.

Q. Does one have to be a specialist to write such an essay for a

medical textbook?

A. One doesn't have to be such a specialist for that. A textbook intended for students is, as a rule, quite brief, and it often becomes necessary that one write merely on the basis of the study of literature in fields where personally one is not a specialist. For instance, I wrote articles in textbooks merely on the basis of literature regarding South American illnesses although I never actually saw them and never in my life had any opportunity to travel in South America. This is a phenomenon which occurs in the case of all scientists who are writing textbooks. At any rate, in a textbook of hygiene for students the combatting of epidemics is the most important thing there and I had considerable experience in the case of typhus.

Q. Then during the last war did you have anything to do with typhus?

A. Yes. My first contact came about when the racial Germans were resettled on the basis of the German-Soviet Pact in the year 1939. At that time I was entrusted with heading the health service in the Soviet controlled territory since the resettlement started from the epidemic typhus areas in eastern Poland and because there was great suffering for refugees in these territories as a result of the war in 1939, and therefore the combatting of typhus constituted at that time our main worry.

Q. Then why were you picked out as a tropical medical specialist? Were no specialists available on that subject?

A. Naturally there were a few typhus specialists from the First World War who were still alive but these gentlemen usually were of 60 to 80 years of age and in addition, with the exception of Otten, had not dealt with typhus for a period of twenty years. It could not be assumed that these old gentlemen could spend two months on the road in Russia in a cold of 40 degrees. The young gentlemen like Eyer, Wohlrab, and Haagen knew very much about the laboratory problem but they had no experience in practical combat. In the final analysis we were not only concerned with typhus alone as to that resettlement, but we were concerned with a migration of population with all their medical problems. I was

well acquainted with such refugee problems and camp questions. In China I had much to do with such mass problems in case of floods and famines. At the same time I had the advantage, of course, of having been afflicted with typhus once and therefore not being in so much danger. These were probably the reasons it was asked I be relieved from the Luftwaffe for those two months. I am a general hygienist from the start and only later did I study tropical hygiene without giving up general hygiene work. In the Luftwaffe I was the consultant for general hygiene and not tropical hygiene alone.

Q. Did you work in the laboratory on typhus questions?

A. No, I never dealt with typhus research in the laboratory. During my entire scientific career I never had one rickettsia culture in my laboratory and I never produced one centimeter of typhus vaccine myself.

Q. Did you have anything to do with testing typhus vaccines?

A. Never in my life did I myself test typhus vaccine or have it tested by one of my collaborators or any other person.

Q. During the war in Germany state regulations were issued as to the testing of typhus vaccine. Did you have anything to do with working out those regulations?

A. No, nothing whatever. I never participated in conferences concerning these regulations, nor was I invited to participate. I never gave any expert opinion about them. I knew such regulations existed but to this date I have not seen them. Since I never participated in these conferences, I do not know for certain who it was that worked out these regulations although I could make some assumptions since I knew who in Germany actually dealt with typhus.

Q. But Mr. McHaney called you the closest collaborator of Professor Gildemeister in connection with typhus vaccine, on page 1176 of the German transcript.

A. That is a very erroneous assumption on the part of Mr. McHaney. It is entirely incorrect.

DR. FRITZ: Mr. President, I would like to offer two affidavits from

Rose Document Book No. 2. That is Document 16 on page 1 to 3 as Rose Exhibit 12. This is an affidavit dated February 3, 1947, by the present director of the Robert Koch Institute, Geheimen Obermedizinalrat Professor Dr. Otto Lentz, Berlin. I should like to read this affidavit beginning with paragraph 2 of page 1:

"Professor Rose was not the 'typhus expert' of the Robert Koch Institute nor did he work on typhus there, but he was the chief of the Department of Tropical Medicine and was in this capacity, with the exception of one research job about the transmission of dysentery and typhus bacilli by insects, exclusively concerned with tropical diseases and health parasites (insects). The typhus expert of the institute was rather Professor Haagen, the chief of the Virus Department. After his departure following his appointment to the Chair of Hygiene at Strassbourg University, Professor Gildemeister, then president of the Institute, continued the research on typhus.

"Thus various physicians, among them Dr. Ding, received instruction on typhus from Professor Haagen in the Virus Department, but not from Professor Rose.

"Owing to the destruction by air raids of many of the files of the Robert Koch Institute, I can no longer ascertain whether Professor Rose was associated with regulations for testing typhus. Several of the men who were at that time departmental chiefs, however, assured me unanimously that this had not been the case.

"Professor Rose was never engaged in the preparation of yellow fever vaccine at the Robert Koch Institute, either. For, although yellow fever is a tropical disease, it was dealt with in the virus department, as it is caused by a virus. The special installations necessary for modern virus research, such as, for instance, a high vacuum pump and an intense cooling installation, did not exist at all in the Department of Tropical Medicine. Research work on yellow fever too at the Robert Koch Institute was in the hands of Professor Haagen until 1941 and afterwards in the hands of Professor Gildemeister.

"The research on hepatitis at the Robert Koch Institute was also exclusively carried out by the Virus Department (Haagen-Gildemeister). Thus Stabsarzt Dr. Dorn was detailed to Gildemeister's department and he is not known to have had any connections with Professor Rose or with members of the Department of Tropical Medicine.

"Finally, nothing is known of Professor Rose's having had the opportunity to be aware of Geheimrat Lockemann's chemo-therapeutical work.

(Chemotherapy of abdominal typhoid with Otrhemin.) The only research on abdominal typhus carried on in Rose's department consisted of the experiments on the role of the house fly in the transmission of dysentery caused by bacteria and of abdominal typhus.

"I am the present Director of the Robert Koch Institute in Berlin."

Berlin 5 February 1947

Then follows the signature and certification. Doctor --

A May I shortly interrupt? On Page 2 of this Document in the English Document Book, it says and this is exactly how it was read by the interpreter: "Whether Professor Rose was associated with the decisions taken on typhus experiment." I may point out to you that it says in the German original Document, "Whether Professor Rose had something to do with the regulations for testing typhus." Regulations for testing refers to the state regulation for the testing of typhus vaccines, about which you asked me a few moments ago, wherein the English translation here awakens the impression as if the Robert Koch Institute carried on negotiations about typhus experiments. In the English translations of the Document Books there are really very surprisingly few errors, but unfortunately there is a mistake here on a very decisive question and I think an official correction will have to be made.

THE PRESIDENT: Repeat that slowly, will you?

THE WITNESS: This is Page 2, fifth and sixth line in the English book and in the German book it is the second page and the sixth and seventh line.

JUDGE SEBRING: Read, if you please, what you think the correct English translation should be.

THE WITNESS: According to my knowledge of English it should read, "Whether Professor Rose took part in setting up regulations for testing, regarding typhus, regulations for testing regarding

typhus.

MR. HARDY: Your Honor, may I request whether the Interpretation Department in the court room concur with Dr. Rose's interpretation of this sentence?

THE INTERPRETER: Your Honor, if I could look at the German Document book I could tell you.

THE WITNESS: I give as translation: "Whether Professor Rose took part in setting up regulations for testing regarding typhus."

THE INTERPRETER: Your Honor, I think this seems to be a correct translation.

JUDGE SEBRING: The one suggested by Professor Rose or the one appearing in the book.

THE INTERPRETER: The one suggested by Professor Rose, Your Honor.

JUDGE SEBRING: Will the witness read once more his version of the translation?

THE WITNESS: "Whether Professor Rose took part in setting up regulations for testing regarding typhus."

BY DR. FRITZ:

Q In this connection, I am offering the following Document, Document Book Rose No. 2, No. 17, as Rose Exhibit No. 13. This is an affidavit by the Regierungs-Medizinalrat, Dr. Emil Wohlrab, dated 11 February 1947 to be found on pages 4 and 5 of the Document Book Rose No. 2. I should like to read this affidavit into the record; on page one starting from the second paragraph:

"I was formerly a scientific senior assistant with the State Institute for Experimental Therapy (Paul Ehrlich Institute) Frankfurt on Main, and I am at present in the capacity of epidemiologist as Regierungs-Medizinalrat (Government Medical Counsel) in the Ministry of Public Health and Welfare of the Province of Lower Saxony, Hanover.

"Professor Rose was the department chief of the department

for tropical medicine of the Robert Koch Institute and was never regarded among German scientists who worked on experimental typhus research in the laboratory, as a typhus expert of the Robert Koch Institute. I was myself a scientific assistant at the Robert Koch Institute in the year 1935 and after that I was a scientific senior assistant at the Ehrlich Institute at Frankfurt on Main, and I know that in both institutes, for reasons of good collaboration, special research was in each particular case undertaken by one department alone, unless there were special working groups. Typhus research at the Robert Koch Institute was carried out by Professor Gilde-meister, who started the research together with Professor Haagen at the beginning of the war. No experimental scientific work by Professor Rose about typhus problems has come to my knowledge. This statement does not refer to Professor Rose's activities in the field of the general campaign against typhus, to which he most probably had to attend within the framework of his activities as a medical officer." It is dated Hanover, 11 February 1947, then follows the signature and certification.

Professor, in the Ling Diary on the first page a session of 29 December 1941 is mentioned as the meeting from which the Buchenwald experiments originated. In that meeting you are not mentioned as a participant; but the Prosecution has submitted an affidavit of Kapo Dietsch, who was repeatedly described in the Documents as a murderer and who was working in Block 46 at Buchenwald, wherein you are mentioned as a participant in that meeting. Then Kapo Dietsch says, however, this meeting took place in November of 1941. Did you ever take part in any such meeting in November or December of 1941 and if not, did you hear about any such meeting taking place?

A At first, the question of my participation: I neither was present during this meeting of 29 December 1941 nor can I remember ever having participated in a meeting which dealt with typhus at

all, that is one during which the Under Secretary of State Conti and Generaloberstabsarzt Handloser participated together. Any such meeting where those two highly played chiefs were present would have been a big affair, which I could hardly forget, because at that time I was only an Oberstabsarzt. At any rate, the record of the meeting of 29 December 1941 is available as Exhibit No. 454 for the Prosecution and it becomes apparent from that Document that I was not present.

It says there that the Robert Koch Institute was represented by Professor Dr. Gildemeister. Naturally during the course of the years I took part in many meetings where typhus was discussed, but I am quite sure that I never took part in a meeting which had the alleged contents of the meeting which is mentioned here.

In addition, Gildemeister when at first telling me about the plans for Buchenwald, and that was at the beginning of March 1942, he never told me anything about some such meeting. He only said that Conti was the one that was representing that plan. In the same way, Conti, during my lecture after the visit to Buchenwald, did not say anything about any such meeting or about any participation of Professor Handloser. At that time I considered the whole matter something to be dealt with by the civilian sector and this can also be seen from the fact to whom I turned with my objection. If at that time I had heard of any participation of the army, I certainly would have gone to Generaloberstabsarzt Dr. Handloser with my objections; even though I was not subordinated to him, this matter would have been important enough to me to go to the chief of another section of the armed forces, and that I did not do this, which proves very clearly at that time I was of the opinion that the army was not at all participating.

Perhaps I may now point out that the names of the participants during that meeting in both lists were obviously compiled by persons who did not have sufficient knowledge of the Berlin Ministerial competencies and personnel relations as they prevailed at the end of 1941. I know the situation as it existed on the civilian as well as the military side, and looking at these lists, I notice a number of discrepancies as follows: Schreiber at that time was not at all with the Army Medical Inspectorate, that is, on the 29th of December, 1941. He at that time was the hygienist with the Army Physician. In this capacity he represented Handloser as a "Heeres-arzt" whenever he went to Berlin from headquarters. Therefore, during the entire time in question, it never occurred that Handloser and Schreiber appeared in Berlin at the same time.

In Dr. Professor Handloser's testimony I was quite surprised that he didn't refer to this fact of which he must be quite well aware. At least one of these two gentlemen was at all times in headquarters. A Berlin meeting at the end of 1941 with Schreiber and Handloser together as participants is quite impossible. In addition to that, I may point out that, in particular, at that particular time in December 1941, the terrible plight prevailed in the Medical Service in Russia, to which repeated reference was made in this courtroom, and it follows from that that the hygienist with the Heeres-arzt certainly had other worries than interfering in the business of the Army Medical Inspectorate, which was competent for any such question dealing with typhus vaccines. Schreiber only later became the Chief of the Department I. G., and it was the matter of this Chief to accompany the Army Medical Inspectorate when dealing with such matters. Generalarzt Mueller was the Chief of I. G. in the year of 1941. The hygiene referent who also should have been present was Oberstabsarzt Schmidt. His representative was Oberstabsarzt Scholtz who is also mentioned in the record of the meeting which actually took place on the 29th of December, 1941. The most capable typhus expert of the Army was Professor Eyer. The consulting hygienist of the Army at that

time was Professor Sartorius. Of all these gentlemen who reasonably could have been expected to participate in such a meeting on the 29th of December, 1941, not one was mentioned. Of course, it is quite thinkable that anyone who knows of the important position which Professor Schreiber held one year after that would make that mistake if reconstructing any such meeting and would, therefore, list him as a participant.

The second point I want to mention with reference to the civilian sector is the following: Undersecretary of State Conti, naturally, would never have visited any such meeting without being accompanied by one of the three referents. These referents, however, are left out in the case of both lists.

For Reiter as well as Gildemeister did not belong to the Ministry but rather belonged to Reich Institutions, or Reich agencies, which were outside the Ministry, agencies which had no executive duties but gave only scientific opinions for the benefit of the highest Reich authorities. In that connection it may be pointed out that Professor Reiter was president of the Reich Health Office and had nothing whatsoever to do with vaccines. For vaccines and infectious diseases experts of the Robert Koch Institutes were always used. If, however, these experts were used for such a meeting, always at least one of these three referents was present, as during the actual conference on 29th December 1941 Professor Bieber is mentioned as being in charge and he was the oldest one of these three referents for epidemic questions.

Thirdly, referring to my own person, General-Oberstabsarzt Handloser at the end of 1941 had not yet been the Chief of the Wehrmacht Medical Service. Therefore, he could only represent the Army and not the Wehrmacht. Naturally, a conference of the Ministry of the Interior without the participation of the other branches of the Wehrmacht is quite assumable. If, however, you invite the highest level of the health authorities of the military and civilian sectors to any such meetings, and if, in addition to that, you invite the Luftwaffe, then certainly one

does not invite the consulting hygienist of the Luftwaffe but the medical chief of the Luftwaffe. He would either appear in person or he would send his chief of staff as his representative, if he for some reason could not come.

It is possible that he would bring his consulting man along, but he certainly wouldn't send him along alone, in particular since he only holds the rank of an Oberstabsarzt.

For the other participants in this meeting know very well that this consulting man has no executive functions whatsoever and, therefore, is not at all in a position to make any binding statements during any such meeting where responsible chiefs are debating; firstly, because he has no executive functions; secondly, because as a scientist cannot overlook the possibilities as they refer to executive questions. In addition, in asking the Luftwaffe to participate alongside with the Army, it was always customary to invite the Navy, too. In the case of both lists, there is no mention at all made of the Navy. Considering these discrepancies, both entries received a stamp of improbability.

Q In any case, you heard nothing about a meeting where the testing of vaccines at Buchenwald was supposedly decided upon? ✓

A No. Neither did I personally take part in any such meeting, nor did I at any time hear of any such meeting. The meeting dated the 29th of December, 1941, a record of which was submitted here, only came to my knowledge owing to the document of the Prosecution.

Q Then how did you come into contact at all with the testing of typhus vaccines on human beings in Buchenwald? You were in Buchenwald, weren't you?

A Yes. On one occasion I was there together with Professor Gildemeister. This visit came about in the following manner: when visiting the Robert Koch Institute, probably in early March, 1942, I spoke to Professor Gildemeister. When mentioning what period of time it is, I have to state that this is a mere estimation on my part which is given support by the statements made in the Ding Diary. I know the difference

of time when I had my conversation with Gildemeister and my visit to Bucherwald, but I neither know the exact date when I was in Bucherwald nor do I know the exact date when I had my conversation with Gildemeister; and if I am now saying "early in March", I am only doing that because I assume that this date is correct, namely, the 17th of March. However, I don't know.

Professor Gildemeister on the occasion of this visit told me that upon investigation of Dr. Conti, the protective value of the various typhus vaccines was to be tested by making experiments on human beings at Bucherwald in the vicinity of Weimar. He said that the reason for these experiments was the difference of opinions on the part of the experts dealing with that question which could not be overbridged regarding the value of the various procedures of production.

Gildemeister said that the experiments are to be carried out on criminals who had been condemned to death. I was very surprised at hearing that, and impulsively rejected that plan. I offered my opinion to the effect that this plan was not in accordance with what should be used in the case of vaccine procedure. It was not in accordance with the tradition of vaccine procedure and in addition to that I thought that animal experiments were completely sufficient in the case of typhus vaccine investigation.

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I was rather indignant and I said if this procedure was to be custom we could hand over to an executioner all of the immunity science or a department for executions at our institute. Gildemeister obviously was rather indignant about the severity of my reaction since our personal relationship was not friendly. He told me that he had been invited to look at how these experiments were progressing at Buchenwald, and he said that before making any utterances of that nature I should at first convince myself exactly what was happening there and how it was happening there; and he said he would see to it that I would get permission to enter the camp in order to look at it. A few days later he telephoned me and told me the date of the journey, as well as that he had got permission for me to enter the camp. Gildemeister neither at that time, nor on any other occasion, told me that he was actively participating in the planning and execution of the experiments.

Q Did you accept this invitation?

A Yes, a few days after this telephone conversation I took a train to Weimar together with Professor Gildemeister and from there went to Buchenwald by car. Here we were lead through the camp by a physician into a hospital which was separated by some barbed wire. There we were lead through a number of stations. I don't know the name of the physician or the names of any other persons who were introduced to me at Buchenwald, I cannot remember. I am sure however it was not Dr. Ding because it was said that he had infected himself while carrying out these experiments and had fallen ill of typhus. The accompanying physicians stated that the individual groups had been treated with a number of typhus vaccines and were later injected with typhus virus. He said that one group was infected without previously being vaccinated. The patients of the group that was not vaccinated made a very ill impression. The entire station represented a picture of a typical station with patients who were suffering from severe typhus. The general impression in the case of other stations that of less ill patients. In the laboratory we were shown the fever charts of the individual patient. There the dif-

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ference of the course of the illness with or without vaccination could easily be recognized from looking at these fever charts. Since it is extremely difficult to compare 140 fever charts with one another, the individual charts of the various groups were summarized in order to report the average charts of the various groups at night. Next morning these summarized charts were shown to us, and looking at these average charts the differences came to light in even much clearer way. We stayed over night in a barracks outside the camp, we were once more shown the patient on the next day. During that visit the physician of the hospital introduced two inmates who belonged to the group that was not vaccinated but who had not fallen ill. This was at first a great surprise for the physicians who participated in the experiments, for 120 or however many were vaccinated, and all fallen ill. The renewed examination of the case history of these two patients had shown, however that they during their stay in prison in Berlin, had suffered typhus, that is while they were in Berlin and before they were sentenced. They however had said, that they fell ill of influenza when questioned before. The physician added that every one was quite upset about that at first because one intentionally only used German criminals for that experiments, for in case of criminals of the East one always had to take into account that at some earlier time they had already gone through typhus. In the case of Germans, however one thought there was no such possibility. In evaluating the experiments these two patients who had not fallen ill became specially important because it was proven through them that the natural immunity protected against the infection technique, while none of the vaccines actually protected any one against the infection. The vaccines only mitigated the course of the illness and prevented any fatalities. I took the noon train from Weimar to Berlin, Professor Gildemesiter on the other hand used a later train.

Q In his commentary on Ding's diary on the 17 March, 1942 Dr. McHancy said, page 1179 of the German transcript-I shall quote this passage:

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" Here we find that the defendant Rose with his friend and superior, Professor Gildemeister, visited Buchenwald and was present at the experiments, including injections performed on the inmates of concentration camps."

Now, I ask you, were you present when concentration camp inmates were injected?

A No, it becomes clearly apparent from the entry in the diary that my visit occurred at a period of time when all experimental subjects already had fever. According to Ding's diary, the infections were carried out on the 5 January 1942, for the first time, and on the 7 January 1942 for the second time, and on the 3 March 1942 for the third time the latter time, allegedly in the presence of Professor Gildemeister and that was the 14th day before my only visit to Buchenwald.

Q Mr. McHaney said further in the same commentary, and I quote: " The defendant Rose will not wish to deny that he visited Buchenwald. He will admit that he was there." Now I ask you did you ever deny that you visited Buchenwald or that you had knowledge of that first typhus experiments?

A No, I never did. I never denied it. On the other hand, during my lecture in Basle on the 17 February 1944, I said that I myself saw Ding's experimental subjects. The lecture will be submitted here as a document. I said that too during the third meeting of the consulting physicians on the occasion of Ding's lecture. In addition I said that when I was interrogated at Letimere in June 1945, and I stated that when interrogated for the only time here by the Prosecution in Nuernberg before I had any knowledge whatsoever about the existence of Ding's diary, or any other documents of the Prosecution.

Q According to the transcript of the same session Mr. McHaney went on to say:

" We saw that the Robert Koch Institute delivered the virus through the defendant Rose, with which these unfortunate victims were infected." I ask you, did you deliver typhus virus for the infection of experimental subjects in Buchenwald?

A You obviously mean the comment to the entry of the diary of the 26 January 1943, don't you?

Q Yes, I beg your pardon, page 1182 of the German transcript.

A No, I never delivered any such virus. I wouldn't have been in a position to do so because neither myself nor my department were in the possession of typhus virus. I never had typhus vaccine at my disposal and for that reason I never could have delivered any such virus to anyone else. The entry in the diary upon which Mr. McHanoy commented reads as follows: "26 January 1943 artificial infection with egg yolk virus, operation No. 223 and 226, Ricketsia Prowazocki strain from the Robert Koch Institute." The addition of my name to this entry obviously is based upon Mr. McHanoy's knowledge. Where he got this knowledge from, however, I don't know. At any rate this knowledge cannot be reliable because this statement is incorrect.

THE PRESIDENT: The Tribunal now will be in recess until 09:30 Monday morning.

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 21 April 1947, 1015, Justice Beals presiding.

THE MARSHAL: Persons in the court room will be seated.

The Honorable Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all the defendants are present?

THE MARSHAL: May it please Your Honor, all the defendants are present in court.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court.

The Secretary General will also note for the record that Tribunal I convened this morning at 10:15 o'clock due to delay in the broadcasting system.

Counsel may proceed.

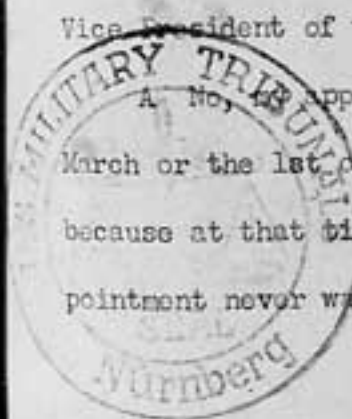
GERHARD ROSE - Resumed

DIRECT EXAMINATION (continued)

BY DR. FRITZ (Counsel for the defendant Rose):

Q Professor, at the end of the session on Friday I had read you some commentaries which Mr. McHaney had made on entries in the Ding Diary. The last one was about an entry of 26 January 1943. I have two brief questions on this subject. On the 26th of January, 1943, were you Vice President of the Robert Koch Institute?

A No, my appointment as Vice President was either on the 1st of March or the 1st of April, 1943. I myself was informed of it only later because at that time I was with the Wehrmacht and, in effect, this appointment never was in operation because my service with the Wehrmacht



took all my time.

Q Did you learn that the Robert Koch Institute delivered typhus virus for infection?

A No, I did not learn that. Therefore, I cannot even say whether the entry is correct or not, and, therefore, I do not know whether the head of the typhus department, Professor Gildemeister, was informed for what purpose the virus was to be used which he delivered, assuming that he did deliver any and that the entry is correct.

Q Professor, on Friday you had already told the Tribunal your experience when you visited Buchenwald. Now, I should like to come back to this visit. I ask you what conclusions did you draw from this visit of yours to Buchenwald and what you saw there?

A That was in part described by the testimony of the witness Mrs. Block. After my return to Berlin I had State Secretary Conti's office called up and informed that I had been in Buchenwald, and, at the suggestion of Professor Gildemeister I had watched the typhus experiments. I asked State Secretary Conti for an appointment for a personal consultation. Dr. Conti had my private secretary given an appointment. I went to see the State Secretary and I told him briefly what I had seen, but then I said that I had not come about the details of these experiments but about the fundamental problems connected with this question. Gildemeister had told me, I said, that the experiments were made at the instigation of State Secretary Conti. Now, human experiments in infectious diseases were nothing new, of course, but to make the admissibility of certain vaccines dependent on their use in human experiments deviated from all tradition of testing vaccines if the experiment was a matter of life and death. For four decades hygiene knew the problem of testing vaccines and the traditional procedure was to test the compatibility and protective effect of a vaccine by animal experiments. If these experiments were satisfactory, then the tolerance in human beings was tested and the dose to be used determined in these experiments. Then, with serological and cutaneous reactions, an attempt is made to determine

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what change has occurred. Although one knows exactly that these reactions are not a reliable measurement of immunity, then one waits for a natural exposure of the vaccinated persons to determine the epidemiological success, and this epidemiological success is measured by comparing the effects on vaccinated and unvaccinated groups. Earlier, artificial infections may have occurred here and there may have been undertaken here and there exceptions, but not in diseases which might be fatal. In such a definite change from previous procedure, I would have considered it necessary that at least the authorities of the field in question - that is, in this case typhus - Gildemeister, Otto, Eyer, Haagen, Bickhardt, Bieling and Wohlrab - that they should be asked first whether they considered such a very significant step absolutely essential.

Q Now, what was State Secretary Conti's answer?

A First, Conti asked me whether Gildemeister knew that I was coming or whether Gildemeister had sent me. I said "no". Then Conti said in answer that he too had had misgivings before he had decided to take this step. The seriousness of the danger of typhus, however, made extraordinary measures necessary. In the Government General, that is, in Occupied Poland a serious typhus epidemic had already broken out. The Russian prisoners of war had, to a considerable extent, brought typhus into the Reich territory. In all posts, camps and prisons within the Reich there had already been local epidemics. How it was in the Wehrmacht I had to know better than he, he said, but he had had rather extremely disturbing news from that source too. According to the experience of the Ministry, hundreds of thousands of human lives were at stake and he, the State Secretary, and not the scientists had the responsibility for the measures which had to be taken. In view of this emergency, he had had to subordinate his misgivings which he had had just as I had. He could not wait for epidemiological statistics which might give a clear answer only after years or perhaps only after decades according to experience. He could not wait so long if there was a possibility, with a small price of human lives, to learn the correct measures to protect.

hundreds of thousands. He was a doctor just as well as I and valued human life just as highly as I, but in wartime, when millions of the best and completely innocent must sacrifice their lives, the parasite of society must also be required to make his contribution to the general welfare. Now, as for my suggestion that the specialists be consulted, he had considered it sufficient to have his staff inform him about the whole matter but, in the future, he would be glad to remember my suggestion in suitable cases.

Q Did you say anything more?

A I emphasized again that I was interested in the fundamental question and that I could not change my views on that, and I added that I did not believe that the results at Buchenwald would be very different than the results of the animal experiments. I must say expressly that I said this to Mr. Conti at that time but that the later course of events proved clearly that I was wrong in this assumption. The Buchenwald experiments gave considerable information in addition to what we knew at the time on the basis of animal experiments. The State Secretary then dismissed me with the words that even though he could not agree with my views, he wanted to thank me for having come to him. He much preferred hearing objections than always to be surrounded by "yes-men".

Q Did you report to Professor Gildemeister about your discussion with Conti?

A Yes, that was my official obligation. I had to report regularly to my immediate superior about every conference which I had with higher offices. Therefore, I reported this conference subsequently to President Gildemeister. He was very much annoyed because it was about a fundamental question and a question which was his special field. He said that I had overstepped my authority and that I had intervened in things which were none of my business. He also made further rather violent reproaches at the time and said that I was presumptuous, that I thought I had better ethics than my colleagues and that my discipline and my understanding for authority in general questions were not satis-

factory. I had no sense for authority or for colleguality.

Q Why didn't you discuss your visit to Conti beforehand with Professor Gildemeister?

A That President Gildemeister had a different view than I was obvious from our first discussions on the subject and also from the discussions in the evening on the visit to Bucherwald. It was clear to me that if I told Gildemeister of my intended visit to Conti that he would forbid it. He had the right to do so. He was my superior. I was only a department director at the institute at the time. From the point of view of civil service, Gildemeister was quite correct. It was true that I had gone over his head and that I had interfered with my criticism in a field with which I had nothing to do in the institute. Typhus was Gildemeister's field, not mine, but in the whole matter, as I told Conti, I was not interested in the problem of typhus especially, but the fundamental problem of experiments on human beings and I felt that I was concerned and I felt justified in speaking.

Q Did you not have to expect Conti to Reproach you for going over Gildemeister's head and talking to him?

A No, this danger didn't exist. I had met Conti for the first time during the resettlement. The health service of the resettlement project was directly under him, and in individual cases I had seen clearly that Conti placed great value on being in direct contact with subordinate doctors and definitely was not interested in whether the intermediate authorities liked it or not. Conti was anything but a bureaucrat. He was in definite opposition to Gildemeister on such questions. Gildemeister was very much concerned with observing the correct form and going through channels. Moreover, it was such an important matter that I would not have cared much for a violation of form. I knew from the beginning that Gildemeister would object.

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Q. I have another question about your visit to Buchenwald. At that time didn't you wonder where such a large number of criminals condemned to death came from; there were nearly 150 people?

A. Now, of course, this question seems quite justified, but at that time I had been given the information by an authority I considered absolutely trustworthy. I had no occasion to doubt it at the time. As for the number, one must consider that we were living under martial law at the time; and in Germany so many infractions were punishable by death under the special laws that I was not at all surprised. I can give so many examples: crimes taking advantage of a black-out; violations of the rationing laws; blackmarkting; plundering during air raids; refusal to serve in the Army, espionage, and a great many other things. And not a word was said in Buchenwald at the time that the experimental subjects were old prisoners of the camp. The only two whose personal affairs were discussed were the two people who came from the prison at Moabit, where they had had typhus, and for the others I assumed also that they had been taken to Buchenwald for the experiments. One must conduct such experiments somewhere in a camp under guard. In an ordinary hospital people who are condemned to death would immediately break out, and in a normal prison, a penitentiary with its cells, one cannot carry out such an experiment. That the experiments were conducted in a concentration camp seemed quite reasonable to me, because the block which I had seen was arranged just like a hospital. It was a strong building with large rooms. It was quite shut off from the rest of the camp as far as I could judge.

Q. And then later did you talk to Professor Gildemoister about the experiments in Buchenwald?

A. I cannot remember that. As far as I know after our dispute about my visit to Conti on my own initiative, the visit to Buchenwald and my experiments were not discussed again. After that time until the time when my section was permanently disassociated from the institute and turned into a Luftwaffe Unit I saw Mr. Gildemoister only quite rarely. These few meetings were always about matters of my department, the question of the transfer of my department for reasons of air security, also complaints that I could not give enough supervision to my department. Mr. Gildemoister was of the opinion that in my department everyone did what he wanted to. He wanted to appoint a permanent representative for me or attached my personnel to another department. These are all the differences which finally occasioned me to turn my department into a Luftwaffe Unit in order to get rid of the unpleasantness. Any talk with Professor Gildemoister turned into a quarrel since I became vice-president against his wish.

MR. HARDY: May I please Your Honors, the Prosecution has not objected to the defendant using notes to assist him in the course of his examination. However, it has become apparent Professor has each and every question answered in detail before him in writing. It seems to me he could use notes to refresh his memory to some extent. However, if he has each question answered in detail in writing beforehand it becomes apparent that Professor also could sign these answers and turn them in in the form of an affidavit and dispense with the lengthy examination, because he has the answers all

before him in detail , and is merely reading them.

THE PRESIDENT: It is, of course, a general rule that a witness may use notes in answering questions which may be asked him; but if a witness is merely reading answers, it would seem to the Tribunal those matters might be filed as included in an affidavit. Counsel of the Prosecution might cross-examine the witness as to who wrote the note, or the paper from which he is reading, but if the witness is merely reading those answers the Tribunal is of the opinion an affidavit would be just as good as the testimony of the witness from the stand.

MR. HANDY: I might suggest the Tribunal may look at the notes the defendant is using, and I think that he will see each question numbered and afterwards in German the word 'answer', and a rather elaborate answer given to each question, which appears to be just what the defendant is reading. If the Tribunal will peruse the sheets that the defendant is referring to you might see that they are in the form of an affidavit and he could sign them and use them here in lieu of this examination.

THE PRESIDENT: I will ask counsel for the defendant what he thinks about what the Tribunal has said, whether or not an affidavit would not be just as good as reading from the written paper, which amounts practically to an affidavit, simply all the statements under oath, instead of a written statement.

DR. FRITZ: Mr. President, as for the answers which the defendant has given , I fully agree that he should render them more freely. As for the questions, of course, in view of the difficulty of the material and since I

myself am a layman in medical matters, I have had to discuss the questions, which I ask the defendant Rose, with the defendant beforehand.

THE PRESIDENT : That is perfectly natural , but if the witness has written out each word of his answer why would not the filing of that writing in the form of an affidavit be just as good as his oral testimony from the stand where he simply reads what he has already written?

DR. FRITZ: I shall then ask the Defendant Rose only to consult his notes which he has had to make because of dates, etc, and to answer my questions that way.

THE PRESIDENT : If the witness simply uses notes for that purpose he may continue testifying. If he is going to read page after page of what he has written the Tribunal sees no advantage in all the testimony over an affidavit.

DR. FRITZ: May I continue the examination of the defendant, Mr. President?

THE PRESIDENT: Yes, if the witness will simply use what he has in the form of notes, such as dates and places, and so forth, the examination may continue.

Q. Did you never visit the typhus section of the Robert Koch Institute?

A. Perhaps I may make a comment on the objection and explain what I am doing. I have quite naturally thought over very carefully the questions which you worked out. For each question I compiled what I need for the answer, but I am not reading what I have written down here. I am not reading it word for word. I am using the notes to formulate my answers, but of course from time to time I look down at the notes in addition to

your question to see what I have noted down as important for the answer which I must give to this questions. Now, as to your question about my visits to the Typhus Departments of the Institute. In the time when work was done on all typhus during the war, I have never entered this department, because it was forbidden for people who did not belong to the department to enter it. This prohibition existed because of the danger of infection, and that is quite reasonable because in the course of time all the persons who worked in this department fell ill of typhus. In all such institutes people who have no business in the department are not allowed to enter it. The talks with Professor Galdemoister took place in his office, not in the department. He was called there from the typhus department, and generally in order to avoid wasting time, as Mrs. Block has already stated, I had an appointment made by her beforehand, and then he was in his office at that time. The offices were for discussion, not the laboratories. I didn't let visitors into my laboratory either. I received them in my office.

Q Did Professor Gildemeister never discuss his work with you?

A I know Gildemeister's work only from his publication, from the annual reports of the institute. It is not customary in such large research institutes for the heads of the various departments to discuss their work with one another unless they happen to be working together. Scientists normally do not make their work and plans public before publication. His thoughts are his only scientific possession and he is generally over-anxious to protect them, thus he preserves secrecy even toward people working in another field than he himself, because these people too might by carelessness betray his secrets to others and thus do harm to him.

Q Then you heard nothing more about any work of Professor Gildemeister at Buchenwald after the one visit which you paid to the camp?

A No, I did not hear anything more about it, but also for example I did not learn that Professor Gildemeister had any part in the preliminary experiments, as the Ding Diary asserts, and when we visited Buchenwald, Gildemeister did not tell me he had been there before and his conduct during this visit did not lead me to believe he had. It was surprising to me to see in Dr. Ding's Diary how often Ding says what frequent connections he had with Professor Gildemeister and the Robert Koch Institute; furthermore if these statements are actually true, I cannot judge for sure and for purely technical reasons I think that is extremely unlikely.

Q Why?

A I must come back to Document Book No. 12, in the Ding Diary, Document No. 265 on Pages 39 to 47 of the German Document Book, there is a discovery of revolutionary importance for typhus research, and especially for the question of vaccine. It says in the German text on Page No. 39, for 30 November, 1942 that infection did not progress in the control persons in the experimental series of 26 January to 20 October, 1943, that is on Pages 41 and 42; according to the Diary, one fourth of

those infected did not fall ill at all, the others only fairly severely. In the group of 80 persons, on the 31st of March, 1943 of the 80 infected no one fell ill. That is pages 45 and 47. For the hygienist these dates show that a_n event had occurred for which many typhus research workers throughout the world were waiting, a typhus strain, a strain highly virulent for the laboratory animal, as Ding's work in 1943 shows, which is Mrugowsky Document, I believe, No. 9, here this typhus strain was obviously completely avirulent for men. One hundred people were infected with this strain without a single one of them falling ill. The event had occurred for which artificial creation Professor Haagen in Strassbourg worked with all the facilities of modern virus research. This event might have had the same importance as the discovery by Jenner of the harmlessness of small-pox vaccines, or the discovery of living avirulent plague strains by Koller and Otto, or the discovery of avirulent tubercular bacteriae by Calmette. I immediately realized the significance of this discovery when I looked at the Ding Diary here for the first time. It did not take a minute to realize that, and we are to believe this diary of Mr. Ding that a man like Gildemeister, who in the last four years of his life, had worked on nothing whatever but typhus vaccine, that such a man failed to realize the importance of this event, that he did not follow up this question. In the Ding Diary there is not a single notation to the effect whether these persons who did not fall ill, although they were infected, developed immunity. For the lay-man this matter may not appear to be so important; for the hygienist, however, it is an absolutely sensational thing. It is quite incredible to me that a man like Gildemeister could overlook such an important fact and that he failed to realize its importance if he was told of it as the Ding Diary says on Page 47 and the entry of 11 April 1943, where it says: "Report for SS Standartenfuehrer Prof. Mrugowsky. Professor Gildemeister says the highly virulent strains of the Robert Koch Institute seem no longer

patogenic for human beings." That a young man like Ding might overlook such a thing is possible, but that with the knowledge and suggestion of Professor Gildemeister these terrible passage series should be started and that no one takes any interest in this important discovery, I cannot imagine as a specialist, I must deny if anyone says that I knew it.

Then another question: Mr. Gildemeister and Mr. Haagen became enemies when Haagen left the institute, but, at least, I assume, that they had some contacts, and that Gildemeister told Professor Haagen that this Matelzka strain had become completely avirulent, and that one hundred people had been infected with it already without one of them getting a fever. That is quite unlikely, Professor Haagen worked for months on the fever reactions in his living dry vaccine to weaken them, as he merely had to get some of the Matelzka strain from the Robert Koch Institute and then he would have what he was looking for.

Q You heard the lecture which Dr. Ding gave on his experiments at the third meeting of consulting physicians in the Section for Hygiene and Tropical Hygiene?

A Yes, that was the time when I protested openly against this whole method.

Q Well, what happened?

A. Dr. Ding gave his lecture in the camouflaged way as in his publication for the Journal of Hygiene and Infectious Diseases, but the audience could not tell that this concerned experiments on human beings.

When the discussion began, I commented on the results of these experiments. That part of my statement is contained in the record of the meeting. That is in Rose Document Book No. 3, Document 38, which has already been submitted, on page 43 of Document Book 3. I do not intend to read these remarks but I simply refer to it. I still want to point out one can find here what I said about the technical aspect of the experiments and about the results.

Then I spoke of the ethical side of the whole thing and this part of my statement has been stricken from the record. I cannot, of course, today reproduce the exact wording but only the sense of what I said. I said more or less as follows: As important and as basic as the results may have been, they were nevertheless achieved at the price of a number of human lives. That we as hygienists must object that a life and death experiment be made as the prerequisite for the introduction of a vaccine. So far, testing with animal experiments and subsequent determination of tolerance by human beings and epidemiological exploitation have been the customary procedure. This procedure had proved its value. We had to stick to it and we couldn't let other political and state authorities force us to conduct human experiments. I spoke much longer at the time. I spoke for at least ten minutes. Ding answered that he could calm my conscience. The experimental subjects had been criminals condemned to death. My answer was: I knew that myself. I was not interested in the individuals concerned but in the principle of human experiments in testing vaccines. At this comment Professor Schreiber interrupted the discussion. He said he protested against my criticism and if we wanted to discuss basic ethical questions we could do that during the recess. He would have this part of the discussion stricken from the record and that was done. After the meeting various participants came to me and discussed the whole thing with me. Some

agreed with me; others were convinced that in such an important question human experiments were justified. Of course, these people who agreed believed Ding's assurance that the subjects were criminals condemned to death. I no longer remember the individual gentlemen with whom I talked during the recess and I don't know who was in favor and who was against it. The only one I remember is Professor Mrugowsky because he spoke as an SS member and the experiments had been conducted by an SS doctor, and because I thought that Mrugowsky was Ding's superior in every way. Of course, I remember that Mrugowsky came of all people and said that in principle he agreed with me and that he had expressed similar misgivings to Grawitz and that Grawitz had rejected his misgivings and then I also learned from Mrugowsky that Himmler was behind all of these experiments.

THE PRESIDENT: The Tribunal will now be in recess.

(A short recess was taken.)

GERHARD ROSE - Resumed

DIRECT EXAMINATION - Continued

DR. FRITZ (Counsel for the defendant Rose): Mr. President, regarding Rose's attendance at the consultants' conference, I should like to read from Rose Document No. 6, Rose Exhibit No. 6, in ^{Rose} Document Book No. 1, pages 15 to 19. This is an affidavit by Professor Dr. Schnell. I have already read the first part of this and should like to read from page 17 the last paragraph and thereafter:

"I took part in the session of the section Hygiene in the Conference of Consultants held in 1943 in the Military Medical Academy in Berlin, and I can remember the following about the discussion between Rose and Ding. As I had talked to colleagues in the corridor, I was late for the lecture in question and therefore heard only a small part of it. An SS medical officer, perhaps Dr. Ding, - not Mr. Mrugowsky - had spoken on the subject of typhus vaccine and mentioned in the course of the lecture that the various vaccines and their comparative value had been tested on human beings and that their effectiveness was more or less equal. I cannot remember any more whether I heard this part of the lecture myself or whether I asked others who had heard it to tell me about it, owing to the ensuing sharp attacks by Rose. It is sure, however, that the lecturer did not mention where and in what way experiments on humans were carried out. After that Rose demanded the floor and said in an excited and aggressive way that both from a humane and medical viewpoint he had to object to human beings being sacrificed in order to secure certain facts. He voiced disapproval of such experiments. In this protest Rose had the vivid sympathy of us all, as apparent in the ensuing whispered mutual questionings among the participants of the meeting where it was murmured that those were probably experiments in concentration camps. The discussion between Ding and Rose was, before others could participate, interrupted by the chairman - probably Professor Schreiber - with the remark that a discussion of this matter was not the subject of our conference but that we were here solely to discuss

questions of hygiene. He continued that the persons used for these experiments had exclusively been criminals legally sentenced to death, anyway."

In this same matter I should like to put in another affidavit. The affidavit in Rose Document Book No. 2, Rose Document No. 18, an affidavit on the part of Professor Nauck on page 6-7. It will be put in as Rose Exhibit No. 14. This, as I said, is an affidavit on the part of the present director of the Institute for Ship and Tropical Diseases in Hamburg, Professor Nauck, dated 5 February 1947. In the second paragraph it reads:

"In May 1943 I took part in the Congress of Consulting Physicians of the Military Medical Academy in Berlin. At one of these sessions Professor Rose, during the discussion, protested against experiments on human beings for the purpose of testing typhus vaccine. The exact words of the opinion he expressed I do not recall. I know, however, that Professor Rose quite unmistakably opposed such experiments on human beings.

"I am the present director of the Institute for Ship and Tropical Diseases. Hamburg, 5 February 1947."

And there follows the signature and certification.

THE PRESIDENT: Just a moment, counsel. Is that the document on page 6 of Book 2?

DR. FRITZ: Yes. That is Rose Exhibit No. 14. I read from this second paragraph. In the same document book I now put in Rose Document 19, pages 8 and 9, as Rose Exhibit 15. This is an affidavit by Professor Walter Blumenberg of 22 February 1947. I should like to read from the second paragraph on page 8.

MR. HARDY: May it please Your Honor, the defense counsel now has read two or three documents wherein it states that Professor Rose objected at the May 1943 conference of medical consultants. He is now about to introduce two or three other documents to that same effect. The prosecution will stipulate that Rose has objected at that meeting

as he has stated on the stand. I see no reason for reading these further documents. We are not objecting to admitting them into evidence but reading them into the record seems to be purely repetitious and unnecessary.

THE PRESIDENT: The record may show that counsel for the prosecution has stipulated for the record that at this meeting of hygienists and consultants Dr. Rose objected to the experimentation upon human beings and made the objection as shown by the evidence, both oral and by affidavit. There is no objection to the admission of these documents in evidence but in view of the stipulation by counsel the Tribunal sees no necessity for taking up the time in reading affidavits unless counsel can show some occasion for reading them.

DR. FRITZ: In that case I should like to say regarding the contents of this affidavit, I should like simply to point out that in paragraph 2 he states that Professor Rose was regarded as an expert in the combating of typhus and not as an expert in the production of typhus vaccines or in typhus research. There is a great difference here. It can be seen from this affidavit on page 9 that Professor Schreiber saw to it that this protest was not set down in the minutes of the meeting. In this same matter I submit Document Rose No. 21 in the same document book as Rose Exhibit 16, pages 12 to 14. This also concerns Rose's protest at this conference. This witness describes in his affidavit with particular perspicuity the way in which Dr. Rose expressed himself at that time and that it was tried to allay his misgivings with the statement that the experiments were carried out only on criminals condemned to death.

Professor, do you have anything to add in this matter?

A At the conclusion of this affidavit by Mr. Atner an incident is mentioned, where he speaks of my alleged by the SS, and that there was some rumor to this effect at the conference. This was a misunderstanding, but a misunderstanding which was rather characteristic of the situation at that time. I have already said that for reasons of air security, and on that pretext, I attempted to transfer my department from Berlin. At that time I spoke with the gentlemen of the Volksdeutsche Mittelstelle who were in charge of the resettlement camps. They offered me a camp which they no longer needed. The Volksdeutsche Mittelstelle was manned solely, or almost exclusively, by SS men at that time, and in order to take a look at this camp I proposed to the gentlemen that they should fetch me on the afternoon after the meeting. I told them to come at 5 o'clock. The conference lasted longer than that. The men became impatient and they made their way to the room where I was. When the conference was ended and I came out the two men who were waiting, SS majors in uniforms took me between them and we went down the stairs together, and left the building in their SS vehicle. That evening I did not come to the social gathering that took place at that time, because I was visiting this camp which lay outside Berlin. This event had been observed by several people, and the rumor spread that I had been arrested because of my protest. In reality there was not a word of truth in this, and I turned up the next day, but that threw a certain light on the whole situation.

Q Did you not offend against military discipline in uttering your protests; Professor Hoering made statements on that matter?

A I believe the expression "offense against discipline" which Professor Hoering used was a rather unhappy chosen phrase, because it was always my idea at such a consulting conference everyone could say during the discussion what he wished, but from the purely factual point of view what I said was an offense from the military point of view, on the one hand, an offense against the orders to maintain

secrecy because it was completely clear that the lecturer and his sponsors intended that the audience, should not find out that these were experiments on human beings. I had found out, after being told to maintain secrecy, that these were experiments on human beings, and made this fact intentionally known to a group of persons who should not have found out about it. Moreover in what I said I attacked my own superior, namely Gildemeister and Conti, and other leading personages in the future, for instance Himmler and Grawitz, and I asked to be disobedient to the directions of these high personages, and said what I did say in a rather excited tone of voice. I said "turn this matter over to a court martial." I said, and I said, "If you do so you will have a fine case on your hands in the matter of maintaining secrecy."

Q Did you later discuss the matter of human being experiments before a large group of people?

A Yes, that happened once more before a large number of people, but that was not about typhus experiments. That must have been about October 1944. The question at hand then was grippe. There was a meeting, a rather large meeting at which grippe vaccine was discussed. A number of gentlemen reported on the vaccines that they had theretofore been developed in the laboratory. Among others, Professor Herzberg on a vaccine made from dead grippe virus, and Professor Haagen on a vaccine made from living avirulent grippe virus, which he had already tested on personnel at the Strasbourg clinic. Someone in the meeting suggested, I don't remember who now, that the Haagen tests had not been sufficient, and that this vaccine should be tested on a larger number of persons. There was no mention of concentration camps then but of student companies. I had considerable misgivings about such experimental vaccination and expressed them. I said that I considered the experimental basis for this insufficient for these vaccines to be used on human beings. I was not convinced that the virus had been sufficiently attenuated. There was the danger that the vaccine would lead to infection, and one could not take that.

responsibility on one's self. It was first of all intended to observe the effectiveness of the protection by observing whether people fell ill of grippe in natural ways after being vaccinated. Then someone else made the suggestion that that would take too long, and we did not know whether there would be an influenza epidemic during that time, and therefore after the vaccines the subject should be infected with a virulent virus. Since I had already expressed objections to the vaccination I opposed this proposal, even more strongly, and the result of this discussion was that infections were not carried out, but it was decided to carry out the vaccinations. Whether these vaccinations were carried out or not I do not know. At any rate I read no order to the effect that someone should make the vaccinations nor did I ever read a report that the vaccinations were carried out. Only later in imprisonment did I hear that similar experiments, such as were then discussed, and which I disapproved of, were carried out by the English Service on German PW's. Genzken probably had personally to do with this, but I had heard about this in internment hospital Karlsruhe where there were people who had experienced.

DR. FRITZ: Mr. President, regarding Professor Rose's protest against experiments on human beings at the conference, I should like, because of the importance of this point, to offer two further documents. First of all in Document Book II, Rose Document 23, Rose Exhibit 17, page 20 to 24, affidavit by University Professor Dr. Bieling on 11 December 1946 which concerns itself with Rose's protest regarding human being experiments in testing grippe vaccine. I should like to have read this into the record, Mr. President, because it can be seen from this that the defendant Rose himself-----

THE PRESIDENT: If this affidavit refers to another meeting, other than the meeting with which we were concerned before, the Counsel may read this affidavit or the pertinent portions thereof into the record.

MR. HARDY: I wish to point out this discussion concerns information on influenza vaccine and grippe; we have not charged the defendant with any participation in experiments or tests as to influenza vaccine; therefore I object to the introduction of this documentary evidence as being immaterial to matters concerning this Tribunal.

THE PRESIDENT: The affidavit in question proposed, Exhibit 17, shows the attitude of the Defendant Rose on experiments on human beings the objection is over-ruled and counsel may proceed.
BY DR. FRITZ:

I read from the first page of this affidavit, the second paragraph:

"On 30 October 1944 I attended a meeting at the Military Medical Academy in Berlin, at which I had to state the result of my research into the production of influenza vaccine at Marburg. After I, and the other gentlemen, had reported about the results of laboratory research and animal experiments, it was proposed at the subsequent discussion that the vaccine should not be tried out on human beings as well. It was considered advisable that the first inoculations should be tested on students of the same age living in joint billets under somewhat similar conditions. I remember well that Prof. Rose strongly and forcefully disagreed with this proposal.

"I remember this particularly well, since for technical reasons I could not understand his point of view and assumed that it was based on a misconception. I did agree with him however, that should investigations on human beings should only be made by specialist physicians, and then only after thorough preliminary

animal tests. If these conditions were, however, fulfilled and the harmlessness and effectiveness of the preparations were thus proved, there should be, in my opinion, no objection to make the step now from animal to human being, which always had to be made in such cases. From the experiences gathered in my laboratory, it seemed out of the question to me that considerable injuries or any infections could be expected, and my point of view was proved right by the many thousand experiences gained with influenza vaccinations carried out, in recent years, e. g. in the American Army.

As far as I remember, it was only proposed to see the reaction of the inoculated persons to a natural infection later on. The effect of the inoculation should be ascertained immediately after the inoculation, by the examination of their serum. A useful procedure for these serological examinations was known in which a couple of ccm of blood are drawn in the ordinary way from the inoculated person. This procedure was elaborated by the American Hirst. During the first months of 1945 I tested the serum according to this procedure here in Marburg, on nurses and students who volunteered at lectures and who had been immunized with different influenza vaccines, previously tested in animal experiments. In this way I ascertained the effect of the inoculation.

It may be, that during the meeting, a further suggestion was made that this serum research should not be considered adequate but that these voluntary experimental subjects, immunized by the different influenza vaccines, should be injected later on with living influenza virus. This was not decided on. But no objection against such decision, could be raised in principle, as it corresponds completely with the views of responsible physicians. As we now know from present publications in the scientific periodicals of America, the effectiveness of influenza vaccine on human beings has been tested according to this procedure, in the United States, and as I heard, also in Russia. Meanwhile, I have also had the opportunity to speak with American specialist colleagues, who were

actually working on this special subject and who themselves carried out these investigations. In their scientific papers a clear description was given to the specialist world, as to how they should inject inoculated persons and the non-inoculated control persons with living virus, viz. by atomizing the virus and making them inhale it. A comparison was then made as to how many of the inoculated and non-inoculated persons fell ill after the voluntary infection, and from this, the strength of the inoculation is taken in individual cases.

"From the information given here, it follows, that no matter whether only the first or the second suggestion as well, were made, no further objections existed in principle. But, as to how far this was the case was evidently not quite clear to Dr. Rose, from the statements of the specialists, and this explains why he raised a warning voice and made remarks about the principle of justification. It also shows clearly and distinctly Mr. Rose's great sense of responsibility, when he expressed in the most impressive way his subjective objections before a wide circle of people. If he did this here in opposition to suggestions which are not contradictory to the general medical ethics or the laws of humanity, it is quite out of the question to consider that he had approved of acts which did not conform to any greater degree with those demands which he had so strongly supported."

There follows the signature and the certification.

Now further I would like to put in Rose Document No. 20, Rose Exhibit No. 18, on pages 10 and 11 in the same document book. This is an affidavit by Dr. George Finger of 6 February 1947. In view of the fact that this affidavit also concerns the consulting conference, I shall dispense with reading it, but I point out that precisely Dr. Finger can very clearly remember the incident, which arose as a result of Dr. Rose's protest.

Dr. Schnell says at the conclusion of his affidavit that Professor Schröder stated that the experimental subjects of Dr.

Ding were criminals condemned to death. Professor Nauck, who was also a witness to this occurrence, says nothing about that. Dr. Blumenberg also says nothing on this point, but he does mention that your protests were answered in the conference. Dr. Finger says simply you maintained your point of view despite the fact that they were criminals condemned to death, but he does not say who made this statement. Dr. Atner speaks of the possibility that another SS physician and not the man reading the paper had answered your protest, and which of these various statements are correct and who did make that statement?

A It is of course comprehensible, after the four years that now have passed, that these men can no longer remember what happened word for word, but do remember the essential facts, and it is understandable that there are individual discrepancies in the testimony of just who did what. This matter, as I said, was stricken from the record and no one can refresh their memory with the help of the minutes. I remember very clearly that Ding answered me. Kogon also described here in his testimony as a witness that Ding had told him that he had a show-down with me. That is the way I remember it, and, as far as I know, Schreiber said that there were criminals condemned to death; no, Ding in his answer said that they were criminals condemned to death. Something which I knew about but which the others attending the conference did not know about. Then, Schreiber interferred, when I spoke for the second time, in order to put an end to this discussion. It is also possible, though I cannot swear to it today, that he said something to the effect that Ding said that they were criminals condemned to death so we would not have to get excited about it. That is possible and I don't know today, he Dr. Atner was under the impression that this was another SS doctor, he said that at least that was possible. I can say that I remember that several SS officers were present, but I can only remember that they stayed entirely in the background and did not participate in the discussion at all.

Q From the evidence submitted, it can be seen that you were particularly excited at the time; even Kogon, who had only heard of the matter, spoke of a particularly violent discussion here; now why were you so excited as to make such an impression on the witness.

A The subject of this whole discussion was a matter of absolute fundamental principle to me in my profession, of course, this excited me greatly.

Q What did you know about the type of the experimental subjects?

A I knew that Gildemeister had told me at our first meeting and what Conti had corroborated, what Ding again confirmed, in this public argument of the subject in that these were criminals condemned to death. Then I was also told by those in Buchenwald, who had not fallen sick, that they had been through typhus, to which they attributed their immunity, in Moabit before they had been condemned.

Q Mr. President, I might say that Moabit was the pre-trial prison in Berlin, a prison known to every person in Berlin. There is a section of Berlin called Moabit and if someone says that he was sent to Moabit, that of course means he was sent to this pre-trial prison.

Why did you make this such a principle problem; you as a doctor and as a research man knew that medical experiments not without danger had previously been carried out on criminals condemned to death?

A. You are now asking a question of decisive importance regarding my motives in this whole matter; and General Taylor in his opening statement on page 55 of the German record demanded, and I quote:

"It is our duty to expose with crystal clarity the ideas and motives that lead the defendants to do what they did."

I agree with the Chief of Counsel. This is one of the most important questions, and consequently I should like to answer this question here in some detail.

I shall state my own opinions and also what I know of my own experience about the motives of other scientists who are today dead and cannot answer for themselves.

You asked why I protested against the experiments on human beings. Of course, I know that such experiments had been carried out but several clear considerations helped to determine my attitude.

First of all the concept of the criminal condemned to death. This, of course, in the last analysis is a purely emotional reaction. For the jurist and many people who are accustomed to thinking in formal terms this may perhaps be a more simple question. When a man is condemned to death by law, then for them this is an order, and that is the way it must be. The jurist concerns himself with the legal phases. He has a heavy responsibility to carry in making decisions. But the matter is settled and the judgment must be carried out. I am not a jurist, and my attitude is somewhat different. I have been around far enough in the world to know how extraordinarily wavering

and relative concepts of law are. They differ not only from country to country and from people to people, but within the same country they can change diametrically in a short time. This is true in normal peaceful times and all the more true in politically fermenting times or war times. Often times a man is punished for a crime which other thousands or persons regard as an act of heroism, and there is something else to be added here, and I said when I answered that these were criminals condemned to death, namely, that it was a fundamental professional question. For me in my profession as a hygienist and researcher into the question of immunity, I have already said here how we normally proceed in order to test a new vaccine. The tolerance is tested on human beings because that is something that simply cannot be ascertained in the animal experiment. Of course, you can find exceptions. Bieling's affidavit states such an exception, where the protective value of the vaccine is tested by infecting the human being, but these are only exceptions; and so far as I could survey the whole field, these were exceptions which happened exclusively abroad and I, as a hygienist and immunity researcher did not want that this practice to become common in Germany. I feared such would establish a precedent. Of course, I also was perfectly aware of the crucial position in which we found ourselves with regard to typhus vaccines, but I shall clarify this when I discuss the technical side of the experiments, whereas now I am discussing the ethical aspects. I was afraid that if this method were undertaken in the question of typhus vaccines, that very soon there would be a demand

to apply it also to other vaccines or other problems. I am a specialist and know this field well enough, and I know what enormous advantages a research worker would have if we were perfectly at liberty to carry out human being experiments, but here, as the advantage was evident to my reasoning, nevertheless my emotions revolted against it. I was acting on the principle of 'principe is abstat', and if one does not combat such tendencies in the very beginning they get out of hand. That was the second point. And then thirdly there was a purely practical consideration. From 1921 I worked in experimental medicine in many countries and I know with what prejudices my profession is beset. In wide public circles we are cursed out as torturers of animals, because our field of immunology has to work in animal experiments. Otherwise, we cannot work at all. If then in addition to this prejudice there should be brought also the much more serious charge of human being experiments then that would throw my profession even deeper into the sediment. Then there is a fourth psychological point. Mr. McHaney, in discussing Professor Hippke's attitude toward the breathing experiments, said and I quote:

"If Hippke knew that these were criminals condemned to death then everything was in order and he need have no scruples."

I believe that this statement of Mr. McHaney completely misunderstands the psychological factors that play a role in this problem. I have already said that perhaps the jurist's attitude toward this is different. The jurist has the heavy professional responsibility of putting into execution the death verdict, or as

prosecutor, he has the responsibility of requesting such a verdict, but once that has happened, the matter is closed so far as he is concerned, and then the matter applies, fiat justitia. The very ethical researcher who is interested only in scientific knowledge, might also come to the conclusion that once a sentence has been passed, he may feel indifferent as to whether the man is hanged or whether he is killed in a medical experiment, but for a man who is not a research fanatic, very essential considerations of another sort play a role. In Buchenwald I myself saw the serious state of illness of the control persons who had not been vaccinated, and I was under that impression. After Holzlochner passed on the freezing experiments, I happened to speak with Professor Holzlochner, at Nurnberg. From his paper I could not clearly see the connection. Consequently, after his lecture I checked into this matter and saw what an enormous spiritual burden was placed on Professor Holzlochner by having to go through this experience, because even a person condemned to death is a human being. He can suffer pain and now to return to Hippke, I know his personality and completely understand his attitude. Now I can quite understand that if he found out the details from Hippke's report and from the other reports as to how such experiments took place, that that could have been quite enough for him to withdraw the permission he had previously given, not knowing what was going to go on.

And then there is the fifth point, and you can say about this; This is professional egoism and has nothing to do with ethics, but as a motive it also plays a role. Only the most important of experiments are carried

out on human beings. Many research persons, even after the State has given it's permission for them, will attempt to evade carrying them out, simply because they are not willing to take the spiritual burden upon themselves of doing such experimentation. Thus the danger arises at the most important part of the research, that it should fall into the hands of the purely research fanatic, and he is not the happiest representative of our profession. You could say that this is not an ethical consideration but it is a consideration nevertheless, how old this problem of the research fanatic is in research medicine can be seen from Hall's book which the witness Liebrandt quoted from here, a prosecution witness, and on page 557 it says, and I quote:

"If a doctor devotes himself to research he is more or less inclined to regard the patients from this point of view. He is all too prone to use a patient who is trusted to him for the solution of a scientific problem and thus it happens that he puts the interest of the sick person in the second place. This conflict between the medical profession and the requirements of science has already been treated in French literature where the doctor sacrificed his patient to the interest of science."

Thus we see that the problem of the research fanatic is by no means a new one because these words I have just quoted were written in 1900.

THE PRESIDENT: At this time the Tribunal will be in recess. Counsel may finish after the recess.

(The Court adjourned for the noon recess)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 21 April 1947.)

THE MARSHAL: The Tribunal is again in session.

GERHARD ROSE - Resumed

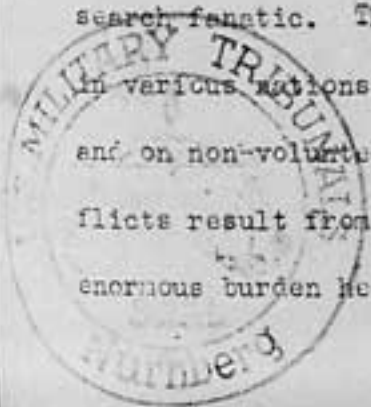
DIRECT EXAMINATION (Continued)

BY DR. HEINZ FRITZ (Counsel for the defendant Rose):

Q. Professor, before the recess you quoted a passage from the book by Moll. Would you please continue to answer this important question?

A. I spoke above all of the considerations which influenced the doctor in the problem of experimentation and I have mentioned the problem of the research fanatic and the danger which he implies for our profession. In consideration of this entire problem, aside from the doctor performing the experiment, there is a well-known historical example. When the Oriental method of variolation was introduced in Europe, not a vaccination with cowpox, King George the First ordered that the procedure be tested on six criminals who had been condemned to death. The physician Doctor Maitland, who was in charge of carrying out this experiment, refused to perform the operation, not for any ethical considerations for the fate of the experimental subjects, but for the personal consideration that he might be considered an assistant of the hangmen if this experiment should be unsuccessful. The refusal was brought about by fear of damage to his own reputation. Maitland did not want to get into touch with the hangmen.

I spoke of the research fanatic before but I do not want to be misunderstood. I do not want you to think that I consider every doctor who accepts an assignment for human experiment an unfeeling, cold, research fanatic. That would be unjust. I know too many research workers in various nations personally who conducted experiments on volunteers and on non-volunteers. I, therefore, know quite well what mental conflicts result from such work for such a man and understand what an enormous burden he feels himself when he takes on such a task. The



prosecution and the Tribunal as jurors are in the fortunate position of never having been in touch with such a conflict, although their profession too involves serious responsibility. To then I must explain this whole aspect of the problem of medical experiments on human beings. It would be useless to take examples from this trial. An impartial explanation of the real state of affairs would be very difficult with the persons involved in this trial. I shall take as an example an experiment which must be discussed anyway because it forms the scientific basis and the immediate predecessor of the one for which I am held responsible here. This is the first experiment for the development of vaccination with living bacteria, living plague bacteria. If you later read the corresponding document you will see that these experiments were conducted on criminals, on criminals condemned to death who were not volunteers. You will be able to read how the worker, the scientist, proceeded, step by step, in this experiment with very small quantities of living bacteria, gradually increased the amount until he had reached the amount necessary for vaccination.

A (continued) If he then concludes the series of experiments with the conditions as astonishing as it may seem, with these large doses, caused no serious consequences. And, if the fact that his experimental subjects had fever up to 40° he does not call that a serious reaction. That may seem to laymen a cynical remark but whoever who knows this field of work and whoever knows this scientist personally knows what amount of bitter worry and concern was borne by this man through weeks and months that his theory might be proved false and that the persons might fall ill of plague and die of it. Now this experiment which was conducted forty years ago is justified by its success today. On that is based modern protective vaccine against plague with living avirulent plague bacilla. But, there is another series of experiments conducted by the same man, also on criminals condemned to death. This time the experimental subjects had had to sign an agreement that they submitted to the experiments. These were experiments to determine the cause of beri-beri. For this purpose the disease had to be caused artificially by inadequate nutrition. It was possible to produce the disease and it is described in great detail how through long weeks the symptoms of this serious disease developed - paralysis, painful neuritis, serious heart ailments appeared which finally led to the death of one experimental subject and the person was dissected a half an hour after death. For the person who does not know the disease Beri-Beri it is difficult to imagine the spiritual burden on the doctor who for weeks must observe and nurse these experimental subjects and must record all the details of the symptoms of the disease which he himself has caused by his own measures. This experiment was successful in so far as it was possible to produce a typical disease in a large number of experimental subjects, but the experiment did not have scientific success. The answer as to what factor was the real cause of the disease was not found because the experiment was uneven in its course. Even the consolation of justification by success was lacking in this experiment to the doctors who carried it out,

to the Government authorities who approved it, and to the persons who were subjected to it. What burden this experience is on the doctor a layman cannot understand. The question immediately results, "What is the reason for a person voluntarily assuming this burden or accepting it when it is given by order of the Government authority?" It would be a cheap answer to find the motive or ambition for research fanaticism. I know the real reason in this case. I know the man and the conditions under which he worked. The driving force was alone a feeling of duty and responsibility -- the the feeling of responsibility to the millions of natives for whose health he was responsible that were dying by hundreds and thousands from this terrible plague and the hundreds and thousands that were suffering terrible pain from this Beri-Beri disease. The knowledge of having to help these people and still with the state of knowledge at the time being powerless. That was the reason to look for new means to take such a burden on himself and expecting other people to submit to such suffering. The experiments which I have been speaking about were carried out by Professor Richard P. Strong. He was Public Health officer in Manila at that time, later professor at Harvard University in Boston and Chairman of the Medical Society for Tropical Medicine. I hoped that the prosecution would not attempt to dismiss the work of this highly respected research worker with the words, "There are criminals everywhere". I ask you to believe me that Strong was a man of greatest feeling of duty and responsibility and of the highest ethics and if the Prosecution does not believe that he can consult his expert, Professor Alexander because he is a doctor from Boston and he probably knows Strong even better than I do. But, I ask you to believe me -- that in ethics and motives of most German doctors who consented to take over the collaboration in such experiments were not so enormously different from those of their foreign colleagues in the same situation. There are three dead German professors in the dock today -- President Gildemeister, Eppinger of Vienna, and Professor Holzloehner of Kiel. Because they are dead they are even more exposed to the defense and

criticism before the Tribunal than we who at least have the opportunity to defend ourselves. For that very reason I feel obligated to speak for these gentlemen today although at the time when they were doing their work I was definitely opposed to them. From two of these men I know from their own mouths that they - that is Gildemeister and Holzloehner - were influenced by feeling as doctors their duty to prevent disease and distress that they did not accept their part lightly and without responsibility. But personally Professor Gildemeister said that to me in our conversation. I do not know however about Professor Eppinger from his own mouth since I never spoke to him but I know his personality enough so that I may include him in this statement as well.

MR. HARDY: Your Honors, I submit that the defendant is going outside of the scope of this case before the Bar and the examination discontinue along these lines and come back to the issue of this case. I didn't object to him giving the example of Professor Strong even though the Tribunal has ruled that such evidence will be taken up at a later date. I think that we have gone far enough along these lines and request the Tribunal to instruct defense counsel to continue his examination on the issues.

THE PRESIDENT: The defendant has taken the stand as a witness in his own defense. He is entitled to testify to any facts which he believes should be placed before the Tribunal for that defense which he has. But, matters of argument should not be introduced by the witness. His counsel may argue the case and draw knowledge from the examination which he thinks would be pertinent and which he thinks would help the Tribunal. But, the testimony of the witness should be limited to facts which in his opinion bear upon his defense.

A May I remark that I believe that here I was giving absolutely factual testimony on behalf of these men because Chief of Counsel in his introduction spoke - expressly demanded that the motives of the defendants be presented here in all clarity. My motives were influenced by my experiences and work abroad. And I wanted to explain here to what

extent my considerations, my decisions, in this question were influenced by my own personal approval.

MR. HARDY: Your Honors, the Prosecution true is interested in finding out motives of the Defense. We are more interested in finding out the motives of Professor Rose had in being implicated in these matters but we are not interested in the motives of Gildemeister and Eppinger and others. We are only interested in the motives of the 23 defendants in the doct at this time.

THE PRESIDENT: The Tribunal permitted the witness to proceed so far but as to matters of extraneous argument by analogy to what other doctors he has known have done is not particularly pertinent to this case and counsel may argue in brief any matters which are deemed pertinent as legal argument but the witness should limit himself more to facts with his own defense.

A May I add just one sentence perhaps that, of course, I did not intend in my statements to include Dr. Rascher and Ding. If he didn't say that I am in the diary - that seems the statements were interrupted, they might be distributed to that effect. Then formulated list of various reasons which occasioned me to protest experiments even on criminals condemned to death. I would not want this enormous charge to be layed on our profession. In addition to all that we have to bear without it. As hygienists we spend our lives among human misery and among experimentation. We are sent to places from where other people flee. It is a matter of course for us to risk our own lives from being exposed.

I don't know how many doctors and assistants in the more than fifty years of the Robert Koch Institute have died there from infections acquired in the laboratory. Certainly more than twenty. There is no memorial tablet in their honor. Such a sacrifice is given silently. It is simply among the ethics of our profession and therefore one will probably understand my desire to preserve at least my honor.

Now, to conclude this whole consideration of the ethical aspect a few words about the voluntarring of the experimental subjects, and in an experiment dangerous to life what this means to the doctor performing the experiment. I am by no means so one-sided researcher that I would not realize that the question plays a very important role from the legal point of view, but from the medical point of view I may emphasize that there is a very definite group of experiments which includes, for example, the typhus experiments in Buchenwald, the yellow fever experiments in Cuba, the subcooling experiments of Holzloehner in which the doctor in general, including myself, must consider it immoral to take volunteers. The spiritual burden on the doctor conducting the experiment is, in such a case, intolerable. He does not have the right to accept an offer of suicide. Such experiments, in my opinion, are admissible only if the person who holds the state authority determines the persons from among the group of persons who have forfeited their lives through committing deeds against society. That I, for my person, reject this method altogether I already stated publicly years ago. The prosecution has already admitted this as a fact. I am not saying this for the first time here in the court room. In the interests of my profession as

a research worker and for the medical profession I desire for all future that human society and those who hold state sovereignty shall not impose this bitter duty on us. I know that that is merely my personal opinion, and history teaches that at all times and in many states the decision was different and that there have always been morally high doctors who believed they were fulfilling their duty by carrying out such experiments. On various opportunities when I dealt with problem I presented these considerations which I have presented here during half an hour are, in effect, contained in the one sentence with which I involuntarily reacted when Gildemeister, for the first time, told me, and I therefore repeat this sentence. "If this method becomes the fashion, then we turn over all immunology to the hangman and open a special execution department here in the Institute." This feeling was the decisive one in this problem. In my statements I emphasized the spiritual burden on the doctor who must conduct this experiment. I have spoken very little of the victim of the experiment, for the simple reason that the whole problem lies with the doctor and arises from the suffering of the victim to whom the doctor conducting the experiment is nearest, and this sympathy with the victim of the experiment is such a matter of course for a decent doctor that I would not even mention it if I did not see the danger that, because of the failure to mention this point of view, one might later distort my statements.

Q. Is the view of the problem of dangerous experiments on human beings which you have just propounded the general opinion of all doctors?

A. Certainly not. Otherwise experiments on human

beings would not be as common as they actually are. It would not be approved by the state.

Q. You quoted from Moll's book about medical ethics. Does this work actually have the fundamental importance for the medical profession which the witness Leibbrandt ascribed to it?

A. That is certainly not the case. Doctors, if they are Germans who think about medical ethics certainly know the book, but among other doctors there may be perhaps two among a hundred who know it.

Q. And now do you feel about the contents of this book?

A. It is undeniable that the author tries to demonstrate a very high ideal of the medical profession but the book also shows very clearly that he is aware that in practical life things are very often different from what he demands as an ideal. Besides, the book was published forty-five years ago and, of course, is obsolete on many points today.

Q. Now do you feel about the point of view expressed in the book about experiments on human beings and on animals?

A. Fundamentally, Moll writes what is a matter of course for everyone, but in this field it is very definitely shown that the book is influenced by its time. Moll considers immunization against typhus and against plague as experiments on human beings -- as an inadmissible experiment. Ten years after the publication of the book these methods were generally used. He also expresses objections to vaccinations against diphtheria and against tetanus. Today, failure to carry out these measures can, under certain circumstances, be legally prosecuted. But

the central purpose of this trial Moll does not deal with at all. The question of whether the state has the right to force individuals to submit to medical experiments and to order doctors to conduct such experiments. One might bring one sentence from this book into this connection. On page 500, Moll says that the research scientist has no right for executive such as the government claims. At this time he rejects experiments by a doctor on his own initiative, but he obviously permits experiments with state approval. In his long statements, Moll repeatedly objects to experiments on patients, particularly experiments on hopelessly ill patients which, in the past century, was so common, so wide-spread that there was a special technical expression for it. It was called "the experiment on the corpus vile". Even today this experiment has not disappeared completely from literature. From the document which Dr. Servatius submitted here we have seen that the Military Government itself apparently still considers this experiment permissible. At only one point does Moll approve of a government approved experiment. That is the well-known lever experiment by the American Dr. Arning on a murderer condemned to death, and Moll admits that others could have a different opinion. Whether it is worthy of a doctor to perform such an experiment - here the point of view of medical ethics of a doctor is repeatedly the prevailing one, not that of the victim, and of the voluntariness. Moll comes to the conclusion that voluntariness under such conditions could not be ethically recognized. That is on page 538 of the book which Leibbrandt quoted. Also Moll objects to the validity of such declarations of voluntariness which

are often included in publications of medical work. He proves that they are quite generally untrue. First of all, because of the incapacity of the experimental subjects for coming to any judgment because of the influence exerted by the authority of the doctor and fear of consequences of refusal. But the decisive point is that Moll is speaking only of experiments on patients and not on experimental subjects determined by the government. to that extent the quotation of Mr. Leibbrandt was not applicable to this trial.

Actually Moll knew about state experiments. The smallpox vaccines on criminals, orphans, soldiers, were known, Moll deals with the transfer of venereal disease to patients, and knew the experiments conducted by order of the French Government. He must have known of Haffgen's experiments with plague vaccine carried out in prison in Bombay. That all happened before the publication of his book. If he does not comment on this problem at all I can only conclude that he approved State approved experiments. He emphasized repeatedly that the War does not have the right of execution, that is up to the state.

Q What do you know about the opinions of the doctors who consider state approved experiments on human beings admissible?

A I have already said in my protest against Ding's lecture I did not find any uniform approval agreement. If you will look at the record of this meeting you will find a sentence there which escaped the attention of the Prosecutor, but which clearly shows, for a participant in the meeting, that he was opposed to these experiments, and it proves that there was discussion about it. On page 111 there is a sentence, "Such experiments are necessary." This sentence refers to the discussion and this statement is proof that the listeners, the auditors, believed since Ding had issued them this that the experimental subjects were criminals condemned to death. Otherwise, there would not have been anyone in public meeting who would have expressly approved such experiments. Certainly not the person responsible for this sentence, whose life achievement in the service of humanity and his international reputation could protect him from openly participating in any action not in the interest of humanity. Besides I have answered this question already in my fundamental statement.

DR. FRITZ: Mr. President, this remark was made by Professor Uhlenhuth. This is in Rose Document 38, in Volume III. I have already submitted this document as Rose Exhibit 10. They are the copies of the report of the third meeting on page 44 of the Document book, last paragraph, page 111 of the original. Professor Uhlenhuth is speaking of

the typhus experiments. On page 45, first paragraph, the second line from the end there is the sentence which the defendant Rose has emphasized, "Such experiments are necessary." This sentence shows that admissibility was discussed at the meeting on the basis of Professor Rose's protest. All these statements about admissibility were stricken out of the statement of Schreiber, but this statement of Professor Uhlenhuth was forgotten.

Q What do you know about the reasons for this protest being ignored, and the typhus experiments being carried out in spite of it?

A They are in part contained in the explanation which Conti gave, but the result is the experiment from the situation prevailing at the time. In the winter of 1941-1942 we were at the beginning of an enormous typhus epidemic. It was clearly to be seen that it would be serious. What typhus means during wartime or how many human victims it means, every doctor knows, not only hygienists, and every layman knows that who looks at Cincier's book, the American typhus works, "Men. Lice and History." That is typhus experiments during the last war. In view of the new type of warfare it was not interrupted in the winter, where obvious at that time the use of vaccines therefore was of importance. Recognizing value, there was only one vaccine, the Weigl vaccine from lice intestines, and with this experiment in Buchenwald proved that our judgment which seemed based on the experience of 10 to 15 years was mistaken. We all believed that this vaccine protected against infection. In Buchenwald we saw that this was not true. But one thing was certain, in the case of this lice vaccine that it would be impossible ever to produce it in an adequate amount. In the Weigl procedure every louse must receive an injection separately in the rectum. The intestine of each louse must be separated separately. For one dose of vaccine you must get from 50 to 125 louse intestines. One louse needs several meals of blood daily. The louse can be fed only on human beings. There is no other means of feeding lice in the laboratory. Even an infected louse can only feed on human beings. We therefore need in the laboratory hundreds of people who do nothing except

let themselves be bit by lice. That makes it clear even to laymen what difficulties there are in this procedure. Naturally, there are other difficulties. If one breeds millions of lice then there are epidemics among the lice. Then suddenly the millions of lice are dead. But I don't want to go into details. In reality it is even more difficult than I have described. But now at the very beginning of the war we have new procedures that have been developed among vaccine specialists, and were developing our opinion about the value of these procedures, different meanings like black and white, but in the concentration of these vaccines there was no clarity at all. The responsible men of the health service, like Conti, for example, were making a difficult digest, affecting the life of thousands and tens of thousands of human beings, and the decision had to be made instantly. Typhus would not wait. The epidemic was there and was calling for victims, hundreds every day. The opinions of the specialists did not give any help to the definite authorities. The specialists disputed each other and did not know what was right, but one thing was certain if a false decision was reached, if a wrong decision was reached this mistake meant the death of thousands or tens of thousands of human beings. It was said here once on the witness stand that experiments on human beings to determine the value of typhus vaccine was not necessary, because an enormous epidemic would have offered the best opportunity to test the vaccines in practice without any experiment. Such a statement can be made only by a person who has no idea whatever about what testing of vaccine and epidemiological evaluating of vaccines means. First of all, what is testing? In practice it means nothing but that large groups of people are vaccinated with various vaccines, and then another group is left without vaccination, and then one waits to see how many people fall ill, and how many die in the various groups. That is the normal procedure in normal times. It cannot be done without death. On the contrary one need merely look at the statistics on such epidemiological evaluations in order to know what numbers of deaths there are. If after some period of time, after several

years perhaps, the statistics are set up, then I can determine Vaccine-A was excellent. Only a few people fell ill from "A", and only a very small number died. Vaccine-B was considerably worse, and there were many illnesses and many died, and Vaccine-C was no good at all. People died like flies in that group. The whole thing has cost a few thousand lives. The man at the task can console himself if he had not vaccinated at all they would have died anyhow, but it is a higher power I have nothing to do with. I selected the various vaccines on the basis of laboratory results, that Vaccine-C which was so promising according to animal experiments would be a complete failure on human beings nobody could predict. I am not responsible for the death. That is how the thing looks in theory, but how about practice? A theatre of war is not a laboratory where every guinea pig has his number. Fleeing masses of people rush back and forth. The statements which individuals make when they are accepted into hospitals are more than questionable. They don't have their shot record any more. You are forced to rely on oral information. We have experienced here that in the third month of the trial typhoid and typhus and the vaccines are confused, although it has been repeatedly pointed out and although the interpreters are no doubt above average in intelligence. One can imagine what happened, questioning patients about their vaccination, especially if they were asked what type of vaccines were used, whether lice or lung vaccine or egg vaccines. No doubt say in the Wehrmacht, the different vaccines are recorded on the paper of the soldier. One need only to issue an order that the nature of the vaccines be recorded correctly. Of course such an order is given, but how is it carried out? In a different section I looked at the record book of soldiers of the German Wehrmacht for record of vaccinations, and I looked at the papers of captured allied soldiers for vaccination entries, when I could get a hold of such papers.

I can only assure you if one wants to set up medical statistics of such material, that is a hopeless task. The epidemiological evaluation is a useful procedure in times of peace with a more or less resident population. Under war conditions, the comparative evaluation of various vaccines is practically impossible. If that were not so, then we would not have had the dispute lasting for decades among experts about typhus and cholera vaccines and that is quite an advantageous construction for this trial and is shown by the following fact. The material of typhus vaccinations was considered by various experts in Germany; for the Army by the Institute at Kracew and the Luftwaffe also sent their material there and did not set up its own institute, for the civilian population of Germany. Gildemoister collected this material for the Robert Koch Institute; Otto in Frankfurt collected this material. We have heard from Krugowsky that he collected such material for the Academy for the General Government, and it was Budecke who collected this material at the Warsaw Institute. Up to 1945 not a single one of these authorities was in any position to make even a preliminary report about the value of the various vaccines, not to mention making any publication. In all world literature, up to today, with the exception of the work of Ding, I do not know a single successful publication on this subject. It may of course be, since I have been in custody for two years, that something has been published in the meantime.

These practical difficulties of epidemiological evaluation of vaccine procedures has been long known. The German health leader, Conti, faced the decision

of whether he was simply to take the part of his untested vaccines, produced in large quantities and use them or whether he wanted to ask the Government for approval, in view of the great urgency of the problem, to obtain an answer through human experiments. State Secretary Conti took this way. He decided that a number of people, determined by the state, were to risk their lives and in part to sacrifice their lives in order to obtain this answer on which depended the lives of thousands of others. The state authorities at the time took the responsibility for this, as in all states it takes the responsibility in war time for hundreds of thousands of human lives being sacrificed for much less important aims. The results have justified intellectually Mr. Conti's decision.

Purely intellectually I said, The Buchenwald experiments had four main results. First of all they showed that belief in the protective effect of Weigl vaccine was a mistake, although this belief seemed to be based on long observation. Secondly, they showed that the useful vaccines did not protect from infection, but almost certainly from death, under the conditions of the Buchenwald experiments. Third, they showed that the objection of the biological experts of the egg yolk vaccines to the lice vaccines were unjustified, but egg yolk, rabbit lungs, and lice intestines were of equal value. We learned this only through the Buchenwald experiments. This led the way open to mass production of typhus vaccines.

The Buchenwald experiments showed in time that several vaccines were useless. First, the procedure according to Otto and Wohlrab, the procedure according to Pox, the

procedure of Rickettsia prowazeki, and Rickettsia murina, that is vaccine from egg cultures.

Secondly the vaccines of the Behring works which were reduced according to Otto procedure, but with other concentrations. Finally the Ipsen vaccine from mouse liver. The vaccine of the Behring works were in actual use at that time in thousands of doses. They always represented a trend to health. Without these experiments the vaccine, which were recognized as useless, would have been produced in large quantities, because they all had one thing in common, that their technical production was much simpler and much cheaper than that of the useful vaccines. In any case, one thing is certain, that the victims of this typhus Buchwald test did not suffer in vain and did not die in vain. There was only one choice, bigger sacrifice of human lives of persons determined for that purpose or to let things run their course, to endanger the lives of innumerable human beings who would be selected not by the Reich Criminal Police office but by blind fate.

How many people were sacrificed we can figure out today; how many people were saved by these experiments, we can of course not prove. The individual who owes his life to these experiments does not know it and he perhaps is one of the accusers of the doctors, who assumed this difficult task.

Q. Witness Bernhard Schmidt on 19 February here stated that in his opinion human being experiments were no good whatever in the investigation of typhus vaccines; what do you hold on this question?

A. Bernhard Schmidt's testimony is clear proof to me what sort of nonsense a witness can say when he is under

the pressure of fear and if afraid he will express himself to publicity and to the public eye by his testimony. I really don't think you have to be a specialist hygienist, but I think every layman will see immediately what an enormous advantage it would be if human being experiments were available for testing the efficacy of vaccines, whether it be typhus vaccines or any other. And, then the numerous human being experiments would not have been made, which were made throughout the world, if they had been so nonsensical as Schmidt here stated. Effort would have been spared, many lives would have been saved, if it were not that the fundamental ethical principles stood in opposition to this and made them the exception rather than the rule. Schmidt's testimony was so senseless that I even detected the prosecutor, Mr. McHaney, smiling.

Q. Can you give us numbers by which we can have some standard to which we can measure the extent of typhus infection?

A. Of course, I do not have the Documents here that I would have if I had freedom. What I collected during the war was either taken into custody or burned. There is a number in Halder's diary for February, 1942 only for the Army; ten thousand cases of typhus and 1,300 fatalities, but that is just the beginning of the catastrophe. Then I remember another number for the year of 1944, at that time I concluded a summary in order to justify the extent of the need for DDT preparations. On the basis of the Documents that I had in 1944, I ascertain that there were 80,000 to 90,000 cases of typhus during that period, but I do not know for certain which circle of persons is concerned. German Wehrmacht

was included in the number; Prisoners of War were certainly not included, because the number of cases among them was always kept secret from me. The terrible catastrophe in Russia among the Russian Prisoners of War in 1940 and 1941 in the winter was to a large extent a typhus catastrophe. In December of 1940, I was in a field hospital for typhus victims in the east - a typhus hospital for Prisoners of War; in this one hospital, which took care of only a very limited area, there were hundreds of Russians sick with typhus, just on this one visit. At another place I was told that even among the German guards, there were 140 cases of typhus. That was just the beginning, because I made this observation in December of 1941.

In the German home country, delousing measures in the east provided some protection; however, by the end of the war, as far as I know, there were 16,000 cases of typhus among the civilian population, to whom it was the least dangerous of all. The really large numbers in concentration camps and in the camps of foreign workers and in the prisons. I never ascertained or never found out, because these statistics were never published. Despite the protest of the medical service they were kept secret from us on orders of the police. These camps were really the main source of infection and most fatalities took place there. The witness from the camp at Natzweiler asserted that in his camp alone there were more than a thousand cases. The 1944 epidemic in Belsen in 1945 was to a large extent a typhus catastrophe. That can clearly be seen from the Belsen trial.

In the summer of 1942 I spoke with the Director of the Health Service and the Governor General. There were known 150,000 cases of typhus, despite a very inadequate information service and the peak had not been reached by any means. Though I cannot give any precise figures I do know that the responsible officers were affected by the numbers. After the war of 1914-1918 and the lessons that had been taught us, we believed in Germany that we had no need to further fear typhus and we could effectively dispose of typhus by the methods which had been developed so far and we thought that the resettlement in the years 1939 and 1940 seemed to corroborate that view, at that time 500,000 persons were transferred from a typhus area, and we had only nine cases of typhus and no single death, then came entirely different conditions, winter warfare in Russia, and no one had counted on this catastrophic development which I have already described. I heard often enough the desperate complaint on the part of doctors in the East and that they did not have enough vaccine, and then there was the difficulty of delousing. In 1943 we were able to develop useful DDT preparations, which despite war conditions, we introduced. Then hardly had we progressed so far but production difficulties arose, destruction of raw material and of manufacturing centers by bombing attacks and the destruction of our transports on the way. No one can imagine today with what bitter disappointment this effort to combat epidemics was beset.

Q. So far as your documentation is concerned, and with your experience during the first world war, how could this catastrophic development have been anticipated by any one working with this documentation and with this experience?

A. The document statistics had made it possible to see as early as 1940-1941 that this development was going to take place here as follows: On the one hand there were the experiences in the Galician camps in Austria, the Galician evacuees, where in a few weeks thirty thousand people fell ill of typhus; and then there was the terrible

typhus outbreak among the Serbian and Albanian refugees, where there were 210,000 fatalities. Since these 210,000 fatalities are proved it must be that the number of actual cases was estimated much too low, because that would be a fatality of seventy per-cent and the fatality is never more than thirty. Since the year 1915 the number of people who fell sick of Typhus in Russia before the war amounted to 40,000 annually. This number rose during the winter of 1918-1919 to 1,700,000. In the year 1920 it rose to 3,000,000 and the Ukrainians and Turkestans are not included in this number, nor the Siberians. In Russia in 1918-1920 it was 15 million, and Terrasewitch, the Russian Hygienist, said it was 25 million. These numbers were known to every hygienist and can be found in any hygienic text book. It must be said in addition, that even under the most favorable conditions, the fatalities from typhus are at least five per-cent of those infected and under unfavorable circumstances thirty per-cent. Now, despite the improvement in the health service in Russia, after the Russian Revolution, nevertheless in 1936, 42,000 cases of typhus occurred. Those were the last official statistics that we received from Russia. Mrugowsky has already mentioned the fact that Napoleon's catastrophe in 1812 was a typhus catastrophe. We in the Luftwaffe, as early as 1941, before the typhus catastrophe began, we saw the reports of the German doctors on the typhus catastrophe in Napoleon's campaign. This was passed from hand to hand and could not have been issued publicly because that would have been construed as defeatism.

Q And despite the fact that you knew all of these things you protested at first to Gildemeister against these experiments, and then after you came back from Buchenwald and had a talk with Conti, you had another show down with Gildemeister. Then again despite the fact that you knew these facts and despite the knowledge of the importance of the results at Buchenwald you made a formal protest.

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in the foreground in this whole matter, although I saw, of course, how strong the arguments were that the other persons had, namely those who actually did the experiments.

Q Now there are two entries in Ding's diary that seem to contradict your attitude at certain times, first of all the entry on page 38 of document book 12, that you received a Bucharest vaccine from Professor Ruge, which was made available by you. The Prosecutor commented on this on page 1100 of the German record. He said: "From this we can deduce that Professor Rose was impressed by what he saw on 17 March, and now by providing vaccines which were to be tested, he contributed to the criminal conspiracy."

A A large number of vaccines were sent to the medical inspectorate during the course of the war, including typhus vaccines. They were sent in from doctors outside who wanted to bring our attention to something new. The inspectorate could do nothing with these vaccines either. They simply sent them on to me. After all of these years it is difficult to remember all of the details as to just what vaccines did reach my hands, because I couldn't do anything with these vaccines either. I simply had a desk at my disposal and no laboratory facilities. In my civilian laboratory no work on typhus was being done. If they were vaccines which were already known, I stated that the vaccines could be used without any misgivings, and if they were new vaccines that I did not know about, then depending on the size of the sample, I sent this sample on to one or several typhus research men and asked them to concern themselves with this problem and I concerned myself about the matter no further because I had done what was expected of me as the specialist. I can remember one specific shipment of Ruge from Bucharest. That was not a vaccine from the institute Contagieusesenn, as Ding stated in his diary, but that was a vaccine from the Frankfurt institute, which was sent to the inspectorate, because the reactions were too severe. Ruge even asserted that this vaccine contained live virus

because the reaction to it was so severe. It could be seen from the label that this was a Frankfurt vaccine which with many people had been vaccinated. In 1939 I gave myself three injections of this vaccine. That was a double dose and nothing unusual happened so I sent it to Frankfurt and a perfectly normal report was sent back and then the vaccine was used. Whether over and above that Professor Ruge sent a second shipment to me or to the medical inspectorate which then Ruge sent to me, with the best will in the world, I can neither affirm nor deny today.

A. (continued) I can only say for certain one thing: I sent no such sample to Dr. Ding because I had no connections with Ding and I did not think of him as one of the research men to whom I sent such samples, nor did I issue any order that this Bucharest vaccine or any other vaccine should be tested on human beings. This diary entry strikes me as very peculiar. It is stated - 29-8-42 - now Ding twice reported on the testing of this vaccine, once at the Consulting Conference in 1943 and then in 1943 in the "Zeitschrift fuer Hygiene und Infektionskrankheiten" (Journal for Infectious Diseases and Hygiene). This is Mrugowsky Document No. 9, pages 81 to 85. Both times Ding had occasion to express his thanks for the support he had received. If he had carried out this testing on my suggestion, then he would have been obligated, according to scientific custom, to state that that was so. However, he did not do this in either case. His publication is available to the Tribunal. And, finally, it was at this same conference at which he reported on this vaccine that we had our squabble and that would have been the greatest excuse he could have found to say, "I don't understand you, Dr. Rose. Send me vaccine to be tested and then all of a sudden you protest." He might have said that he didn't have presence of mind to do this. But, we heard from the witness Kogon that Ding concerned himself about this matter for days on end and dumb as he was, if he thought about it long enough, this argument would have occurred to him. I can only explain this entry by the fact he received the vaccine from a third source which knew simply it had gone through my hands. All this based on assumption that I really did have the vaccine in my possession which I really do not know. Or it could be that Ding found out with correspondence with Ruge that Ruge had sent me this Bucharest vaccine and also this is based on assumption. That he really did this I do not know. From the documents it can be seen that there was frequently correspondence between Ding and Ruge because both the witness Kogon mentioned Ruge as one of Ding's correspondents on page 1193 of the German record and in Document 484, which is Belachowsky's affidavit, on page 72 of the

German Document Book. Here the people are listed with whom Ding corresponded and Ruge is mentioned among them. But neither Kogon nor Balachowsky's names are given among those who had contact or connections with Ding. At any rate I never transmitted mail between Ding and Ruge. That the two men had connections I did not know until the beginning of this trial.

Q. Well, according to Ding in the periodical for Hygiene Ding says in Mrugowsky Document No. 9, and from what he said at the consulting conference, this Bucharest vaccine turned out to be useful and was used by the German Luftwaffe.

A. I saw no report on the testing of this vaccine which I should have had to see if he had wanted it to be tested. According to Ding's diary the reports on the testing of this vaccine were sent on 20 November 1942 to Berlin and on page 39 of the German Document Book XII it says that on 18 February 1943 - in other words a quarter of a year later - there was a directive on the part of the Medical Inspector of the Luftwaffe in which the typhus vaccines are listed which are permissible in the Luftwaffe.

Q. Mr. President, the directive that Dr. Rose just mentioned I have in Rose Document Book II. This is Rose Document No. 26 which I put in as Rose Exhibit No. 19. This is the instructions for troop doctors from the Medical Inspectorate of the Luftwaffe and is on page 55 and 56 of Document Book Rose II, dated 18 February 1943. I have put in the original of this as evidence and inclosed in my document book a copy of it. Please continue, Professor.

A. In elucidation of this document let me draw your attention to the date - 18 February 1943 - page 55 of the document book. Under number 7 you find there the directive regarding typhus vaccines. From "a" to "j" ten different vaccines are listed, vaccines both from Germany and foreign institutes. The Bucharest vaccine is not among these ten. Had I known at that time that this vaccine had been tested and proved valuable in Bucharest, then, of course, I should have recommended its use

just as I recommended the use of Pasteur vaccines from Paris and Tunis. Moreover, this directive clearly shows that the Medical Inspectorate of the Luftwaffe, who was advised by me, did not allow itself to be motivated in his views by what had been used in Buchenwald. In this directive a number of vaccines are permitted which were not tested in Buchenwald at all; that is, if one can assume that Ding's diary is correct, which I do not know. Other vaccines which Ding, according to his diary, did test have here been permitted before Ding did test them. In the third group is the Bucharest vaccine which Ding tested and found useful and it was not permitted for use in the Luftwaffe because the Luftwaffe didn't know the results of the testing.

Q. What other types of vaccines went through your hands during the war?

A. It is, of course, very difficult for me to recall all that went. First of all, vaccines from great institutes - OKH in Cracow, Behring-Werke, Robert Koch Institute, Pasteur Institute in Tunis and Paris, and an Italian institute, Ipsen - Copenhagen Institute. Then I almost forgot the biggest thing that went through my hands during the war. That was the 5,000 doses from Weigl Institute at Lemberg at the time that this institute was still in Russian hands, in the Winter of 1939-1940. And particularly in the case of this vaccine I must be particularly happy that none had hit on the idea of testing it in Buchenwald because I turned this vaccine over to the Robert Koch Institute and it was carried on for a long time under my name because I had paid for it and it took a long while before the money was made available to repay me. Consequently this went under the name of Fort vaccine and if Ding had known about this then there would have been three vaccines mentioned in his diary and that would have been a little too many. God be praised nobody hit on that idea.

Q. When listing the vaccines that went through your hands during the war, you mentioned also the Copenhagen vaccine. Ding's Diary says about this vaccine, specifically on page 53 of Document Book 12, that it was tested on your incentive and the witness Kogon said the same thing on the basis of statements that he alleges Ding made to him. The prosecutor then construed this incentive on your part as a concrete proposal on your part which led to the death of six persons. The remark of the prosecutor is on page 1330 and 1331 of the German record. Now, what did you have to do with this Copenhagen vaccine?

A. The situation, as I remember it, was as follows. Our needs for typhus vaccine could not be covered no matter what efforts were made. Therefore, all sorts of offices were in search of new production methods. In this connection Professor Schreiber called my up about this one day -- I can't remember exactly when, but it was at a time when he was already the deputy for the combatting of epidemics and consequently concerned himself with such general questions as this. This was in September of 1943 as we have found out later. Schreiber said that of all the vaccine institutes that were under German influence by now the Copenhagen Institute had not participated at all in the production of vaccine so far, although it was one of the best institutes there were. He would like to have this Institute undertake the production of typhus vaccines. The political mood in Denmark, because of the behavior of the German Wehrmacht there, was most inauspicious. Consequently, there was no point in sending a German medical officer there. Therefore, Schreiber asked me whether I would not want to carry on these negotiations as Vice President of the Robert Koch Institute; the prospects would then be somewhat better. Moreover, he knew that I had previously worked in that Institute and knew the local setup, which was a great advantage in conducting such negotiations. I stated my willingness. I got leave from the Luftwaffe, asked for Gildemeister's permission to speak in the name of the Robert Koch Institute and then flew, via Luftansa, to Copenhagen. This, as we found out later, was on the 23rd. of September 1943. Then I visited the

director of the Institute, Dr. Oerskov whom I knew personally from before the war. I asked him if he could and would produce typhus vaccine. Oerskov rejected this request because, as he said, it was impossible to prevent peoples' falling ill from typhus if you undertook such production and such an occurrence would arouse bad blood in Denmark, which was completely free of typhus. Oerskov's misgivings were brought about because typhus was unknown in Denmark, and nationalistic elements would thus find out that the Institute was producing vaccine for the German government, because there was no need for typhus vaccine in Denmark, since there was no typhus in Denmark; and he was afraid of repercussions from such nationalistic elements; and he, as director of the Institute, had to think not only of the danger to typhus but of the tasks as a whole that the Institute had. I finally had to admit that this was so. Then I was shown Dr. Ipsen's department where he was producing a vaccine from murine virus, not from rickettsia prowazek, which is a lice virus. He explained to me the details of his technique but they are set forth in my report on this trip.

2. Mr. President, regarding this Copenhagen trip of Dr. Rose I asked a few questions of the director of this Copenhagen Institute. The answers are Rose Document 46, a supplementary Rose document, which I believe the Tribunal has just received. This is Rose Exhibit #20. Regarding the external form of this document, Mr. President, I regret that it does not have the introductory formula requested by the Tribunal, but it has been certified and also certified by the American Embassy. I have also the original document here and it is also specifically stated here that Dr. Oerskov certifies the correctness of the copy. I believe, therefore, that there can be no question about accepting this document in evidence.

MR. HARRY: Your Honor, I haven't received a copy yet. I would like to see a copy of the English.

THE PRESIDENT: Will you exhibit a copy to counsel for the prosecution?

MR. HARDY: No objections, Your Honor.

DR. FRITZ: Mr. President, the interpreters have no copy either.
Might I perhaps show the original to the interpreters for a moment?

THE PRESIDENT: The Tribunal will now recess. You can have the
document before the interpreters in the morning.

The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(A recess was taken until 0930 hours, 22 April 1947)

Official Transcript of the American
Military Tribunal in the matter of
the United States of America, against
Karl Brandt, et al, defendants, sitting
at Nurnberg, Germany, on 22 April 1947,
0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find
their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United
States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants
are all present in court.

THE MARSHAL: May it please your Honor, all defendants are
present in the courtroom.

THE PRESIDENT: The Secretary-General will note for the record
the presence of all the defendants in court.

Counsel may proceed.

GERHARD ROSE - Resumed

DIRECT EXAMINATION (Continued)

DR. FRITZ (Counsel for the Defendant Rose): Yesterday I discussed
with the Defendant Rose his trip to Copenhagen and was about to
put in Rose Document 46 among supplementary documents which will
be Rose Exhibit No. 20. I quote:

"STATENS SERUMINSTITUT, Kobenhavn, S. 4 March 1947

"In answer to questions asked us about the visit of Professor
Rose, I can say the following:

to 1) Did Prof. Rose, when he visited the Institute at
the end of September 1945, request that the Copenhagen
Institute take up the production of the typhus
vaccine from Rickettsia Prowazeki in order to help
overcome the great shortage of typhus vaccine?

Yes.



to 2) Was this request refused by Director Oerskov for valid reasons?

Yes.

to 3) Was R. then taken visit Dr. Ipsen's section?

I do not remember this, but it is apparent from Dr. Ipsen's experiment records that Professor Rose actually was in Dr. Ipsen's laboratory on 24 September and probably discussed these problems with him. Unfortunately Dr. Ipsen is at present in America on a study trip and will not return before June or July. It is, however, apparent from our records that if Professor Rose ever received samples of our vaccine it could only have been a small quantity, and neither I nor Dr. Ipsen's colleagues have ever heard anything of the possible effects of our vaccine.

Through the Danish Red Cross we sent our vaccine to Danish as well as Norwegian prisoner-of-war camps, but so that the vaccine was given only to Danish or Norwegian colleagues. We heard from Danish colleagues that the effect of these vaccinations was good.

I can add that I am grateful to Professor Rose, because he probably helped to prevent our Institute's being compelled to take over the production of typhus vaccine. It is entirely unpredictable what calamities might have arisen if we had been forced to take up the production of this vaccine.

signed J. Orskov

Dr. med. J. Orskov"

That is certified by a notary public and the American Legation.

BY DR. FRITZ (Counsel for the Defendant Rose):

Q Professor, what did you do now after this failure when you returned to Berlin?

A I informed Professor Schreiber briefly by phone, and then sent him an extensive written report. This report was in two

parts, the first part described the negotiations, the failure, and the reasons why the institute was not willing to undertake producing this vaccine, and my statement that I held these grounds to be substantial. Then, the second part, which I had written separately as an annex, stated what I had heard from Dr. Ipsen accidentally regarding his new murine vaccine. This annex I had typed in several copies and I sent it to the various typhus specialists whom I considered important in Germany in order to inform them also of what I had found out in Copenhagen. A fragment of this report has been found and you can see in that what I proposed.

DR. FRITZ: Mr. President, we were able to find this report on Rose's official trip to Copenhagen, and I put it in as Rose Document 22, this is in Rose Document Book No. 2, pages 15 to 19. This is Rose Exhibit 21 -- the Document number is 22, the Exhibit No. is 21. As the Defendant Rose has just described, he sent this report of the tour to about six different offices that were concerned with typhus in Germany, including the Behring Works in Marburg, and from them, I have received this communication of Rose which I should like to read.

DR. FRITZ:

"Oberstarzt Prof. Rose 29 September 1943 (place: unknown)

"To: Behring - Works

Marburg/Lahn

"I take the liberty of sending herewith for your information a file memo regarding reports by Dr. Ipsen on his experience in the production of typhus vaccine.

"signed: Rose

"Oberstarzt of the Reserve"

It is certified by the Mayor of Marbach. Then there is annexed to this letter the report of the trip and I should like you to explain briefly the contents of this report.

MR. HARDY: Your Honors, this document is certified to be a true copy by the Burgomeister. Might I inquire where the original document is located?

DR. FRITZ: The original is in the files of the Behring-works. It could be obtained. It is certified by the Mayor of Marbach, near Marburg.

MR. HARDY: Inasmuch as the original or a photostatic copy thereof could be obtained, your Honors, I object to its introduction into evidence in this form.

THE PRESIDENT: On what grounds do you base your objection, counsel?

MR. HARDY: This is merely a copy which is herein certified and it is customary most original Germany documents introduced here in this trial have either certified photostatic copies or the original German document.

DR. FRITZ: If I recall correctly, Mr. President, the Tribunal rules that the certification should be made either by a German Notary Public or a Mayor and this document has been certified by a Mayor.

MR. HARDY: That applied, as I recall, only to affidavits

wherein they were certifying the signature of affiants or taking oath of an affiant. I don't believe that ruling applied to making copies of German original documents.

PROF. ROSE: Perhaps this difficulty could be overcome in the following manner. Since these are letters and reports from me and since I am testifying under oath, I am ready to testify here that they correspond to the letters and reports which I sent out.

THE PRESIDENT: Defense counsel may interrogate the witness upon that subject.

BY DR. FRITZ:

Q You then testify, Professor, that this is the report that you sent to the various offices? I ask you please to briefly dilate on the contents.

A Yes, this is the report that I sent.

THE PRESIDENT: Objection is over-ruled.

A I do not want to protract the proceedings by reading the whole report but I do ask the Tribunal to take notice of the contents of the report. This is an extensive description of the procedure such as Ipsen described to me which seems to offer several technical advantages over previous procedures. Above all the main advantage that the yield of this procedure seemed to be greater. It was possible to produce two and one-half times as much vaccine with the same number of animals; and, moreover, this vaccine seemed to be more effective. I informed the various offices of this method and now I point out paragraph 4 on page 3 of the document, on page 18 in the Document Book:

"I proposed, and Dr. Ipsen promised that a number of samples of his liver vaccine should be sent to me with the object of testing, when the opportunity arose, its protective efficacy on humans who were in especial danger."

This is the passage which Ding characterized in his diary as my incentive to experiments on human beings. I further point

out that at the foot of this page 18 and on page 19 there is the list of those to whom this report was sent. Neither Mrugowsky's office, nor Reichsarzt-SS Grawitz, nor Dr. Ding are included in this list of distribution.

Q Professor, from the text of this report one could have the impression that you were pretty well acquainted with the production of the typhus vaccine although you say yourself that you never concerned yourself scientifically with it. Could you make a statement on this?

A I believe this would be a misconception. The report merely proves I am in a position when the specialists express something to take notice and reproduce. And, I believe that is something my degree of intelligence makes possible without being a specialist in the matter.

Q What did you do with the sample of typhus vaccine that is mentioned in this report?

A If I had been asked about this before the witness Block testified, then I should have said that I had sent this sample to Professor Schreiber because I had assumed that he had given me the order and that I should send everything to him. But, Frau Block said here that she had sent the vaccines to a number of other offices. I cannot corroborate that from my own memory but, in general, it is more probably that the secretary's memory, since she was the one who sent these things out, is more reliable than the memory of the Chief who simply said briefly, "Send these things on."

Q You, in explaining this report, just drew the attention of the Tribunal to the fact that you make the proposal here that the protective efficacy should, if the opportunity arose, be tested on human beings in especial danger. Now, what does this phrase "humans in especial danger" mean?

A "Humans in especial danger" is in the matter of typhus vaccination a technical phrase which is generally current in German

medical services. We did not have enough vaccine to vaccinate every one and could only vaccinate certain persons. In other words, those in especial danger. These were, first of all, particularly old people because old people die more readily when they get typhus than young persons. Secondly, various occupational classes. For instance, doctors and medical personnel, and particularly personnel of delousing agencies, or transport flyers who brought back the sick with them, or a number of occupational groups. This was a pretty well fixed term clearly explained by medical regulations.

Q Was the evidence you received from Ipsen enough so that you could undertake testing on humans in especial danger?

A Certainly. Ipsen told me that in animal experiments the liver vaccine was better than the lung vaccine and lung vaccine was already being used by the Wehrmacht and was generally permitted. Moreover, the report says that in the laboratory two assistants had been subsequently infected - persons who had been vaccinated by the vaccine, the infection having taken place by accident - and the degree to which they fell sick was only very minor. The evidence had to be sufficient to justify such a proposal.

Q Why did you not undertake this testing yourself, for apparently you considered it important.

A Of course, I considered it important and that is why I made it generally known to the specialists. I did not undertake it myself because I didn't undertake testing of vaccines at all; and then with respect to human beings in especial danger, our position in the Luftwaffe was not advantageous in this effect. We had few such people because in the way the Luftwaffe was used the danger of becoming infected with typhus was much smaller. The number of people in the Luftwaffe who fell ill with typhus was never more than one to two percent of typhus in the whole Wehrmacht and the Army bore the main brunt. Whereas, if the sickness typhus infection had been evenly distributed numerically we would have had 15 to 20 percent of the total number of those who became ill. There were various delousing

centers and several transient camps in which for certain people would fall ill of typhus and there were typhus laboratories. All these we did not have in the Luftwaffe but the specialists know of these centers and had access to them.

Q Did you peruse this matter any further after you had passed on the Ipsen typhus vaccine.

A No that had been an unique order - a favor that I did for Professor Schreiber. And when I found out accidentally that this had nothing to do with Schreiber's assignment that Ipsen had developed a new method - this I passed on to the specialists and thereafter it was in their hands and as far as I was concerned the matter was settled. Perhaps I can make some remarks about the Document No. 22 which was not read. But, in the English translation on page 18, in this paragraph where there is mention of human beings in especial danger. Then it says here "its protective efficacy on humans whose liver were in especial danger". In the German text the words simply means especially endangered humans. In other words, no mention is made in the German text of the liver. I should like to suggest that the Tribunal change the translation accordingly.

DR. FRITZ: It must be a typographical error. Dr. Rose's correction is justified.

THE PRESIDENT: Will the witness please state that correction again.

WITNESS: Your Honor, it is on page 18. "On humans whose livers were in especial danger," and it should read "on humans who are especially endangered".

INTERPRETER: Your Honor, I think the word "liver" is a typographical error for the word "lives". Then it would read "on humans whose lives are in especial danger". The witness just stated that that also would be a good translation.

THE PRESIDENT: The correction has been made in the document book.

BY DR. FRITZ:

Q. From Dr. Oerskov's explanations it can be seen that you were in the laboratory on 24 September 1943 in Ipsen's laboratory in Copenhagen. Now, in Buchenwald, according to Ding's diary, the testing of these vaccines took place from between the 8th of March and the 13th of June, 1944. This can be seen from Ding's diary, Document Book 12, page 53. Now, how do you explain this lapse of time between the 24th of September, 1943, and the beginning of the testing in Buchenwald on the 8th of March, 1944?

A. That I cannot explain from my own knowledge. You always have to count on a certain period of time for the business to be attended to, but in a matter so pressing and important as this one that is not sufficient to explain a lapse of 5½ months. We didn't work as slowly as that. I can conjecture what happened in that interim. Among the German typhus specialists there were friends and enemies of the murine vaccine. It is possible that the vaccine was discussed by them and that my report was passed around and in this way it apparently fell into the hands of some office which had some influence at Buchenwald. Now, whether that was Conti or Grawitz or Gildemeister or Himmler I do not know. Just what devious paths this whole matter followed I do not know. The direct path from Schreiber to Ding would not have taken 5½

months. I cannot even say whether the typhus vaccine sample that was used in Buchenwald is identical with the one I received because, as I remember, that sample was a very small one and Mr. Oerskov corroborates that. Now, Frau Block has stated that this sample was distributed not just to one person but to several, and I previously had an official questionnaire sent by the Tribunal to the Copenhagen Institute in order to find out just how large these samples were. The answer has not yet come in but perhaps it will some day.

Q. Do you feel yourself in any way responsible for the experiments which were carried out in Buchenwald because you recommended that the Ipsen vaccine should be tested?

A. No, I feel myself in no way responsible for that. What I proposed is set down here in black and white before the Tribunal and these are no proposals for experiments on human beings. If some other office, on the basis of the fact that I drew its attention to a vaccine, then hits on the notion of carrying out experiments on human beings with this vaccine, that really cannot be charged against me.

BY THE PRESIDENT:

Q. Witness, returning for a moment to page 18. To a layman, vaccination usually means a protective step.

A. Certainly.

Q. That is, persons who are well are vaccinated to prevent their contracting a disease. Now, I notice in the paragraph which you have corrected "its protective efficiency on human beings whose lives were in especial danger". Now, is that persons whose lives - persons who were exposed to infection? Is that the theory of this paragraph?

A. Your Honor, in the German text it is written "endangered" (gefährdet).

Q. I understand that.

A. And that means "exposed to typhus".

Q. Exposed to infection?

A. Exposed to infection.

Q. It might have the meaning that the persons were already ill, but it means persons who were exposed to infection?

A. Exposed to infection, Your Honor. This was a technical term which was commonly used throughout the war. "Besonders gefaehrdete Personen" (Persons especially endangered).

BY DR. FRITZ:

Q. At any rate you challenge the correctness of Ding's diary entry; to wit, that you provided the incentive for these experiments on human beings?

A. That I challenge most emphatically. Perhaps, however, I might add, since the prosecution makes Professor Schroeder responsible for my activities in this respect, perhaps I could point out that my letter or rather my report is dated 29 September 1943. At that time Schroeder was not Chief of the Medical Service of the Luftwaffe. In other words, whatever deductions can be drawn from this entry regarding me, certainly none can be deducted against Herr Schroeder.

THE PRESIDENT: Witness, in my document book the last numeral of the year is missing. It just reads "194". What was the date of your letter?

WITNESS: I am just going to look at the German document. The date is given on page 15 - 29 September 1943.

THE PRESIDENT: That answers my question, witness.

BY DR. FRITZ:

Q. Professor, to sum up your testimony about this Buchenwald question, let me ask a concluding question. The prosecution asserts - it states that you - and McHaney calls you the closest friend and co-worker of Gildemeister - had the closest knowledge of everything that went on in Buchenwald. Please explain what you really know of what went on in Buchenwald?

A. I have already described my visit and what I saw there. One aspect of it I knew, that Gildemeister had told me that the whole business of testing this vaccine on human beings was to be traced back to

Conti. Conti did not deny that when he talked to me, although I said what I did in introductory to explain why I had come to him, and then, through Dr. Ding's lecture at the consulting conference, which was often mentioned, I found out what I have told you; namely, that in addition there had also been carried out a second experiment in Buchenwald. Of the entire activities in Buchenwald I heard nothing. I did not even know that the SS had its special installations there for experimenting in typhus vaccines. During the whole war I never saw one single sample of this vaccine. How little I knew of this can be seen from the one point that I discussed yesterday; namely, the important occurrence of the Mateszka strains becoming avirulent. I shall later put in as a document my lecture on 17 February 1944 in Basel and in which there is stated, one year after these events took place, that we had never yet succeeded in making the prowazeki Mateszka avirulent and that this was one of the goals of research, and just as I knew nothing about the typhus experiments that were going on in Buchenwald, just as little did I know of anything else that went on there.

Q. Then how do you explain that Mr. Gildemeister drew no conclusions from the important events in Buchenwald which you just mentioned; namely, regarding the Mateszka strain?

A. I said yesterday that I could only understand this in view of his rank as a typhus specialist by believing that he simply was not informed of what went on at Buchenwald. Perhaps he made strains available. That I do not know. Perhaps he was ordered to do so by Conti. That I do not know, either. But otherwise I had the impression that he was not intimately participating in this question. According to Ding's diary he is alleged to have been in Buchenwald only twice.

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Q Professor, would you like to make a brief statement in answer to the Prosecution's contention that you were the closest friend and collaborator, Block has already made a statement on that subject?

A It is not very pleasant for a person to have to speak openly about his superiors, particularly after they are dead and can no longer defend themselves, and if the relations with the superiors were not good. One thing, however, I must say in introduction that I always held him to be a perfectly decent and upright person. He was particularly conscious of his obligations and duties, and had a high sense of responsibility. Scientifically speaking he was a leading bacteriologist, and extraordinarily reliable research man with a prodigiously large knowledge of literature. My personal relations with him: When in 1923 I went to the Robert Koch institute I did not make his acquaintance, yet, because at that time Mr. Gildemeister was still with the Reich Health office. Then in 1925 an unfortunate event occurred. I had published a work on Herpes. Professor Gildemeister had criticized my findings in an open meeting, and then at a meeting of the German-biological Society I brought my experimental animals along and new histological preparations which proved that I was completely in the right. At that time, I was still very young, and I made him rather ridiculous in this meeting. That was not to the liking of me, and he took it ill and never forgot it. Then when I was called to the Robert Koch institute in 1936 he spoke in opposition to that and recommended in my stead a Dr. Kuhnert, who at that time was Schilling's oldest assistant. However the tropical medicine expert of the University and other scientists spoke in my behalf, and I was appointed by the Ministry. When I was at the institute the following situation arose: Professor Gildemeister was a pre-eminent administrator, and had the knowledge of laws and administrative regulations, such a scientist seldom has. Not only did he know them, but

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it was very important to him that they should be applied, and that others should observe them. He also had the disadvantage which too often adheres to the administrator, mainly that he was an outright bureaucrat. I have never had administrative training nor have I had military training, and have spent most of my life overseas. The old colonial with their independence are always the terror of administrators throughout the world, and on the basis of this there were very shortly developed between us frictions. I had Dr. Rannen of the University work for me, but Professor Gildemeister did not want any students in the institute. I accepted teaching appointments at the University, but Professor Gildemeister did not want any instruction to be carried on outside the institute.

Q Professor, I think that suffices regarding your difficulties with Professor Gildemeister. I however have a question in this connection; how is it that despite this tension and the misunderstanding that you two had that you then became vice-president of the Robert Koch institute, where Gildemeister as president certainly had something to say about this?

A The person concerned generally knows least of all about the procedure, that goes on behind the curtains in making such an appointment. If they wanted to choose a vice-president from among the Professors of the Institute, then insofar as seniority was concerned three people could be considered, one of whom was myself. Professor Gildemeister did not get on much better with the other two than he did with me, so they had to choose between the devil and the Deep Blue Sea. I do know that he expressed opposition to me to the Ministry, but he had apparently no better proposal to make and so I was named. I took a year until the appointment was finally approved. Apparently there was considerable exchange of correspondence and discussion in this matter. In addition to this, Professor Gildemeister was 64 years old and it was known that he was to resign at the end of the war, and

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the important thing to the Ministry was when it appointed me, vice-president that this should establish my seniority for the presidency. It was clear that I could not occupy that office during the war, since I was with the Luftwaffe.

Q In other words, you never really for practical purposes practiced, you never really did anything as vice-president of the institute?

A No, I never signed as Vice-president and I never represented Professor Gildemeister even for one day.

DR. FRITZ: Mr. President, I should like to offer a few documents in this connection. First of all from Rose Document book No 1, Document No. 13, Rose Exhibit 22, pages 80 and 81 of the document book. This is an affidavit by Professor Dr. Boecker, who is still active in the Robert Institute in Berlin, the affidavit being dated 3 February 1947. I should like to read from Paragraph 2 on page 80--

THE PRESIDENT: What Exhibit number are you giving this document?

DR. FRITZ: Number 22, Mr. President.

" Professor Gerhard Rose was appointed on 1 February 1943 vice-president of, and professor at the Robert Koch institute, while he was in the Wehrmacht. Owing to his engrossment by his service in the Wehrmacht, Professor Rose did not actually officiate as Vice-president. He was hardly ever available for the tasks of the Institute and for the tasks of his department. The late President of the institute, Professor Eugen Gildemeister, occasionally delegated me to look after the practically orphaned department of Professor Rose (Tropical diseases.)

" Relations between President Gildemeister and Professor Rose, were, as far as I know rather strained on the whole.

" I do not know whether Professor Rose was informed about the typhus research done by Professor Gildemeister. Judging by the

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habits of President Gildemeister and the relationship between him and Professor Rose, I do not think it likely that he informed Professor Rose about it.

Berlin, 4 February 1947."

and then follows the signature and certification.

IN this connection let me put in the following document, Rose Document No, 14 Rose Exhibit No. 23 This is Professor Dr. Gins affidavit on 4 February 1947. I should like to read the last two paragraphs into the record. Professor Gins stated:

" Because of my activity in the Wehrmacht from 26 August 1939, I only went occasionally to the Robert Koch Institute and only worked there irregularly until spring 1943.

" Within that time and after I was deferred for work at the Institute from Spring 1943 on, I did not see Professor Rose acting in his capacity as Vice-president of the Institute. I only heard Professor Boecker mentioned as deputy of Professor Gildemeister.

" Berlin-Charlottenburg 9,

" 4 February 1947."

Then follows the signature and certification . I should like to state that Professor Gins is still working today in the Robert Koch Institute.

I should like to put in the next document, pages 84 and 85, Rose Document 15, Rose Exhibit No. 24 affidavit by Dr. Werner Christianson, on 12 February 1947, Rose Exhibit No. 24. I should like to read two paragraphs. First of all the second:

"From 1940 until the capitulation in 1945, I was one of the three officials in charge of the Department for Epidemics of the Reich Ministry of the Interior."

I shall skip the next paragraph in view of the statements that the Prosecution has made regarding the Rose case and I shall continue - skipping paragraph:

"It is not known to me that Professor Rose, who had been appointed Vice President of the Robert Koch Institute in 1943, actually ever held this office. Professor Rose was registered in the Ministry as 'drafted to active service with the Wehrmacht'. If it became necessary for somebody to act as deputy for the President Gildemeister, because he was on leave or sick, for instance while Gildemeister suffered from typhus, Professor Boecker, one of the directors of the Robert Koch Institute, would act as his deputy, as far as I know.

"Nuremberg, 12 February 1947."

Then follows the signature and certification.

And finally I should like to offer Rose Document No. 9 on Pages No. 28 to 30 of the same Document Book. This will be Rose Exhibit No. 25, an affidavit of Mrs. Ilse Lundberg of 14 February 1947. I should like to read from paragraph 2:

"I worked as a secretary in the Medical Inspectorate of the Reich Air Ministry from 31 January 1941 until 1 November 1944. I first worked for Oberstarzt Professor Luxenburger, the psychiatric specialist, and from March 1941 also for Professor Dr. Rose, then Oberstabsarzt, later Oberstarzt of the Luftwaffe, who was consultant hygienist for scientific consultation of the Medical Inspectorate in the sphere of hygiene and tropical medicine. My place of work was in the office, from summer 1941 on, and later on in the ante-room of Professor Rose. My work with him was terminated when I had myself assigned to a Luftwaffen hospital in Italy on 15 February 1944.

"From my work, I can state that Professor Rose, was very

occupied in his military duties. He was in the office from 0815 in the morning until 1730 in the afternoon, except for his frequent official military trips, during which he was supposed to get acquainted with the actual conditions prevailing among the troops. He was also a university lecturer for hygiene, as well as at the Faculty for foreign science, and as such he had to give lectures. Moreover, he frequently attended scientific meetings and congresses, as for instance with the Society for Tropical Medicine, the Reich Committee for Tuberculosis and other scientific associations, the names of which I no longer remember. I always knew exactly the whereabouts of Professor Rose, in order to be able to switch over the telephone calls and to pass on important news. I knew therefore that Professor Rose's activity in the Robert Koch Institute was limited to occasional telephone calls and short visits (about once every 2 or 3 weeks). According to his own statements, he charged his female technical assistants who had long years of experience and the assistant Dr. Emmel with the work, restricted himself to checking the work and order of the department (only the department for tropical medicine was under his supervision).

"The appointment of Professor Rose as vice-president of the Robert Koch Institute did not take place until the end of 1942 or 1943 as far as I remember, and was in my opinion only of a purely representative character. As far as I remember, Professor Rose did not make any use of his position as vice-president, much less so as he had the intention of leaving the Institute."

Q Professor, the direction of your department, namely the Tropical Department you kept also during the war?

A I kept my department going throughout the war. At the beginning of the war 19 departments at the institute were closed, their directors having been drafted, and almost all the assistants were drafted, however; I kept my department open.

During the first year of the war I worked there myself, as long as I was in Berlin; but at that time I was already half a year

or more in Russia and the Balkans, and during those periods of absence my assistants had to work according to my policy directions.

At the beginning of 1941, work with the Luftwaffe increased in scope so that I had to work at my Luftwaffe office the whole day through. In order to facilitate communications with my department I had a direct telephone line put in which made it possible that from my Luftwaffe office I could communicate directly with my laboratory without going through the office or through the central telephone switch board of the various offices. Then in the evening my private secretary came to my house, bringing the matters from the institute that had arrived that day, and I dictated my private correspondence on matters concerning the institute, scientific essays and scientific correspondence.

Q Did not the work in your Department suffer greatly because of your absence.

A That was Professor Gildemeister's opinion; namely that my department was entirely without supervision and that I was not in a position to check on the work of my assistants, and once as Professor Boecker also says, he attempted to commission one of the other professors with the direction of my department. This interference with my rights, of course, led to another altercation between me. Taking war conditions into consideration, it certainly can be seen that my department was well and efficiently conducted. I simply have to draw your attention to my essay on the DDT preparations, which are also mentioned in this lecture at Basel and which were even translated into French in 1944.

Q What deductions did you draw when the effort was made to transfer the supervision of your department to other hands?

A On the pretext of seeking security from air-attacks, I made the effort to transfer my department out of Berlin. Gildemeister personally did not wish to leave Berlin and did stay in Berlin to the very last moment with his Typhus Department. Since Gildemeister would

not give his approval for this transfer of my department, I took the very unusual step of turning my whole department into a Luftwaffe unit and with the same personnel and equipment I set it up as a department for Fever Therapy of the Luftwaffe.

Q Was this agreeable to Professor Gildemeister?

A Of course he made difficulties at first, finally I had the impression that he was on the whole happy that in this manner all difficulties with each other were alleviated.

Q The Prosecution calls you a collaborator in Gildemeister's typhus experiments?

A I can only reiterate that never in my whole life did I work in the Typhus laboratory. When I was an assistant at the Robert Koch Institute Otto was working there on typhus, but in the two months that I was with him another assistant took care of that matter and I worked in therology. When I came back to the Institute in 1937, Otto had left but the Typhus department was taken up in the Virus department, namely by Professors Gildemeister and Haagen. I never worked with these men, never carried out joint experiments and never planned anything jointly with them. This separation can very clearly be seen in the printed annual reports of the Robert Koch Institute.

Q Mr. President, the whole report that the Defendant just mentioned I have in my Document Book No. 1. These are Documents No. 10 on pages Nos. 31 to 43, which I put in as Rose Exhibit No. 26, also Rose Documents No. 11, which will be Rose Exhibit 27 on Pages Nos. 44 to 60. Finally there is Document No. 12, which will be Rose Exhibit No. 28, this is on Pages Nos. 61 to 72. These, as I said, are the annual reports on the activities of the Robert Koch Institute from the period from 1 April 1939 to 31 December 1943.

I have a few questions to ask the defendant about these documents. Professor, in Rose Document No. 10 on page 34, in the second paragraph, perhaps it would be best if I quote this brief paragraph:

"In infection experiments on human beings a rapid development of rather high eosinophilia was observed as early as a few hours after the infection of the skin with a few bilharzia cercariae."

Now, who are these experimental subjects, Professor?

A. These experimental subjects in the case of the first experiment were exclusively the members of my assistants in the department and in the laboratory, and in the second experiment they were doctors who had attended a lecture on tropical medicine in which I spoke about these experiments, and who declared their readiness to be experimented on also.

Q. Did you also infect yourself?

A. Yes, I infected myself in the first series and had the strongest reaction of all the experimental subjects.

Q. Did you carry out other experiments on yourself?

A. Yes, other experiments I undertook on myself or had others undertake on me, and they were experiments with dysentery toxin, infections with intestinal flu, and experiments on quinine damage.

Q. Did you also test vaccines on yourself?

A. Once I made myself available as an experimental subject in the testing of a vaccine, namely, a new yellow fever vaccine from living yellow fever virus. That was in New York in 1936 and at the time I was myself producing vaccines in China. I tested the tolerability of a large number of vaccines by inoculating myself with a double dose.

Q. Within the framework of your professional or other official activities did you become infected any other ways?

A. With the greatest care in the world it is still impossible in my profession to avoid infection. I have been infected with dysentery and with skin tuberculosis, and then cholera, typhus dengue, malaria complicated with black water fever, hepatitis epidemica, and finally in my DDT work I got a chronic infection from which I am still suffering.

Q. Professor, in Rose Document No. 10, namely, the annual report of the Robert Koch Institute from 1939 to 1941, there is on page 42 to be seen from the paragraph headed roman numeral III, "Practical Work", it can be seen that typhus vaccinations in the tropical department were undertaken.

A. These inoculations were carried out in practical work not under the scientific department. There was a sort of a poly clinic attached to the tropical department and when any one came to the institute and wanted to be inoculated against something then he was inoculated there. It can be seen there from this list he was inoculated against smallpox, cholera, typhoid, paratyphoid, and typhus. These were purely practical inoculations or vaccinations that had nothing to do with scientific research. You can find the same list in the next year's report on pages 58-59 of Document No. 11. There also of the 4,000 inoculations the number of typhoid inoculations is only 33. Then in the annual report for 1943 there is no mention of inoculations because the limitation that the war placed on the work of the department made it necessary for me to stop giving these vaccinations. These vaccinations were never evaluated. In any way the scientific work on vaccines didn't stop in 1943 in the institute. On the contrary, it became larger and larger and it rested there until the end of the war.

Q. Professor, I should like you to make whatever statements you would like on the contents of these reports so far as they concern typhus and to explain the contents briefly. These are Rose Documents Nos. 10, 11, and 12.

A. Perhaps I may point out first of all a translation error on page 41 of Document No. 10. Opposite the words, on the third paragraph, page 30, there is the word "jaundice" in the English text and in the German text there is the word "Gelbfieber", which means "yellow fever".

THE PRESIDENT: What is the meaning of the German word in English?

WITNESS: Yellow fever.

INTERPRETER: The interpreter corroborates that.

A. Now I shall explain these documents. The report from 1 April 1939 to 31 March 1941 contains under No. 7 on pages 32 to 40 a report on the work of the tropical medicine department. Since there is no mention at all of work on typhus, it is not my intention to go into that here, but I should be grateful if the Tribunal would take a look at this passage in order to ascertain that I and my assistants concerned ourselves with a great number of things but not with typhus. On page 41 of the document book, page 10 of the document, there is a short excerpt from the report of the department of cell and virus research under no. 8. Only that paragraph has here been quoted which refers to the case here at bar. And it says in the report of the next year that yellow fever was the new subject of work. Experiments were made primarily on the breeding of virus, its preservation, and on the production of vaccine cultures. This department was at that time under the direction of Professor Haagen. On the same page there comes under No. 10 the report on the work of the laboratory of the general managing director, namely, Professor Dr. Gildemeister. I shan't read this in detail but here there is a description of the collaboration with Professor Haagen, an indication of the work the department did in typhus, and it can be clearly seen from the report that the collaboration with other departments is here being described but that there was no collaboration with the tropical department or with Professor Rose. This report continues on page 11 respectively 42, the nine typhus vaccines which were carried out at the tropical medicine department I have already explained.

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THE PRESIDENT: Witness, on page 42 after "the following number was inoculated against small pox, cholera, etc." there is first a total number followed by two other numbers. What do the two following numbers indicate?

A. Mr. President, if you turn to page 31 you will see that this report is a report for two years - 1 April 1939 until 31 March 1941.

THE PRESIDENT: Those two numbers then simply indicate the number of inoculations in two years, with the total?

A. It is the total for two years and it separates the numbers, giving the number for the first year and the second year.

THE PRESIDENT: Very well.

A. If you add up these two numbers you reach the sum that corresponds to the first number. Now on page 42 are publications that appeared from the Robert Koch Institute. Those works have been extracted which concern the case before this Tribunal. First of all, a paper by Gildmeister and Haagen on typhus. Then a paper of Haagen's on yellow fever, and then a series of text book essays by myself. And under No. 3 there is the word "rickettsiae" which is typhus virus. This is a little text book essay of four pages in length. I go now to Document 11, Report for Period 1 April 1941 to 31 December 1942.

THE PRESIDENT: Before you begin the discussion of that, witness, the Tribunal will be in recess.

THE MARSHAL: The Tribunal is again in session.

BY DR. FRITZ:

Q Professor, you were going to start referring to Rose Document 11 before the recess, which is to be found on pages 44 to 60, Document Book I?

A We are here concerned with the first yearly report after the reorganization of the Robert Koch Institute into into a Reich Institution. At the beginning of this yearly report there are to be found the speeches which were made on the occasion of this reorganization. On Page 45 there is to be found an excerpt from Professor Gildemeister's speech where he gives you his survey about the work of the Institute. On Page 45 the development of his typhus work is being described. One can see here that neither my name nor the name of anyone of my collaborators is being mentioned. On the next page of the document, which ordinarily would be three pages further on, in the printed report, but we find it here on the next page, since there are only excerpts, we find a description of the work at the Tropical Department, the malaria work, and the work about the transfer of bacteria as being transmitted by flies is being emphasized. I skip the pages 47 to 57. In these 11 pages the work of the Tropical Medical Department is being described under Paragraph 7. 7 was the number under which these reports appeared yearly. With reference to Department 8, the department regarding cell and virus research, there is no mention in this yearly report, since this department, owing to the departure of Professor Haagen, had become vacant, and Professor Haagen obviously no longer sent in reports. Then on Page 58, under Paragraph 10, there is a report about work of the head of the Institute, which is again Professor

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Gildemoister. His participation in typhus is being described in this report. Professor Gildemoister, Professor Peter, and a certain Dr. Passer are mentioned as collaborators. On page 59, 33 typhus vaccinations are mentioned at the top of the page, second line, which were given under the practical work of the Tropical Department. I have already explained the significance of that entry. There follows an excerpt from the list of publications which appeared from the Institute during the time this report covered. I only included such publications in this excerpt which either originate from me or my collaborators, or those which deal with typhus. Work publications which bear the title of "Typhus" are found on Page 60, the publication there by Professor Gildemoister and Professor Peter. Then under my name we find two papers about typhus. They are "Typhus Problems at Home," and underneath that "Typhus Problems arising from the Resettlement of Racial Germans from 1939 to 1940." These two publications about typhus written by me deal exclusively with typhus combat as an epidemiological problem, and are mostly based upon my work during the resettlement. In case the Prosecution should contest the authenticity of this statement, it is naturally possible to produce copies of these two papers. Naturally, we did not want to increase the size of our document books to an unreasonable extent. I now turn to Rose Document No. 12. This is the annual report of my department covering the year of 1943. This annual report was printed for the entire Institute, but unfortunately it was not possible to find a copy of this printed report. However, the Robert Koch Institute made the manuscript available. It was still available in the files of the Institute.

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For the year of 1943 we have not the report on typhus work of the Institute, which naturally could be found in the printed report. I regret that in particular, because this would show clearly that I did not participate in that work nor did my collaborators participate in it. I have not gone into the contents of the annual report of my department at this point, but I shall merely limit myself to stating the fact that there is no mention in this report about typhus or yellow fever. A short survey of this document will confirm that statement.

Would you please turn to page 77, which is page 17 of the document, and you find work by me and my collaborators. That is up to page 79. On page 77 you find the title "Rickettsiosis(typhus)." This is under Figure 3. It is a new edition of the textbook, Article 16 already mentioned before. On Page 78 there are again a number of matters mentioned which refer to typhus. There is an article written in the Reich Health Periodical, "Progress in Combatting of the Clothed Lice." It again refers to my DDT work. Then in the center of the page you will find the other "Typhus Vaccines." This refers to the discussion remark made during a meeting of the Consulting Physicians, which is already available here in its original. This is the technical introduction with reference to my protest at Ding's work. Then as the one but last publication, a book written by me in collaboration with a number of other gentlemen, regarding procedures for decontamination, which again deals with typhus, of course, but only from a combat and epidemiological point of view. I think that this describes the essential points I wish to prove by submitting these documents. I think that you have already made available the printed original

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covering the first two annual reports, haven't you?

Q Yes.

A But we made excerpts of anything which is in any way essential for this trial.

DR. FRITZ: I offered the original printed report as evidence, and I handed it to the General Secretary.

Q I now turn to another subject, Professor; the Tribunal put the question to Professor Rostock during his examination whether immunity could be discovered by an examination of the blood. Professor Rostock answers this question in the affirmative, but added the limitation by saying he did not consider himself an expert in that field; was Professor Rostock's answer correct?

A I think that this question put by the Tribunal is very important and I would like to answer it as a question of the Tribunal, because I think that the answer given by Professor Rostock was not correct.

It is not possible to answer the question whether a person or an animal is immune against a disease by examination of the blood; but this question cannot be answered by a simple "yes" or "no." In order to understand the real situation, which is of great importance in order to clarify a number of Documents, a more detailed explanation becomes necessary.

The fact alone that Professor Gildemeister knew about the series of experiments at Buchenwald, and perhaps participated as a collaborator, was to have been a proof that something was to be ascertained there, which could not easily be ascertained by an examination of the blood. Nobody would start any such tests if by a simple examination of the blood one could arrive at the results.

Very shortly, I want to illustrate the definition of the word "immunity." Immunity is the capacity not to have to fall ill in spite of infection with virulent germs.

One has to basically differentiate between two forms, the naturally inborn immunity: this immunity is in all cases absolute and in spite of the severest infection no illness results. Thus human beings are naturally immune against nagana and cattle plague; and the dog is of course immune against the human plague. On the other hand there is the acquired immunity. This immunity can either be acquired by a disease or by a protective vaccination, and it is only with this

problem that we are dealing with during this trial here.

Q How can immunity be ascertained at all.

A Only through the recognition of the fact of somebody not falling ill in spite of an infection. This can be ascertained in many ways. It can be discovered at an occasion when one could assume that during a large scale epidemic every person was subject to infection, or at least all members of certain groups were subject to infection, and that in spite of that, a certain number of people did not fall ill. That is the usual method used in order to find out the effectiveness of protective vaccination.

Subsequently, one tried to find out how many of the people who had fallen ill were vaccinated and how many were not, then these two figures are compared.

Another possibility is the one of artificial infection. This method is being used on animals and in exceptional cases on experiments on human beings.

Q Considering a dangerous illness such as typhus; were such artificial injections carried out in order to find out whether a person was immune after having been given a protective vaccination?

A That repeatedly happened before the war outside of Germany. The artificial infections in the case of typhus fall into two groups. I shall now leave out the time before 1900, and then we come to the classical experiments conducted by Jassil, one of the two discoverers of the plague bacilli. Jassil found out on experimenting on coolies that typhus can be transferred by transmitting blood from one person to another. Then, Sergeant, in his work on natives, proved that the typhus virus can be found in the louse; and finally in the case of the Rocky Mountain Spotted fever, which is related to the louse fever, the transmission of that disease by ticks was found in experiments on human beings. These are the three great classical experiments, which are generally known, because they constitute cornerstones in typhus research.

The second group covers the experiments in order to test the value of typhus vaccines. These are the experiments of the two Frenchmen, Blan and Balthasar, who were vaccinating people with a living a-virulent rickettsia strain, and afterwards by an infection with a virulent strain, tested the immunity.

Next is the work of Van de Millas for the Journal of Immunity in the year of 1939, who was testing the essential vaccine by artificial injection on twelve persons.

Finally we have the American experiments with typhus on inmates of prisons that were carried out during this war.

Here, I am only citing the best known examples which brought about results of basic importance.

Q How, considering the situation as you describe it, would it be possible that Professor Rostock answered the question in the affirmative as to whether immunity can be ascertained by the examination of the blood?

A Rostock himself emphasized that he himself was not an expert in this field and originally wanted to reject the responsibility. When giving his answer, he obviously mixed up immunity and immunity reactions. The immunity is a property of the living organism of either the human being or the animals, and the bearers of immunity are the cells, the tissues and the blood. We know quite a number of things about the immunity in the tissues, but technically there is very little proof. It is much easier to observe the changes of the blood.

We are here concerned with the following matter. After surviving an infectious disease a number of symptoms arise in the blood, or in the serum either newly or to an increased extent. Channels of these symptoms are the so-called anti-bodies. Agglutinin, praecipitins, bacterioligens, bactericidenes, anti-bodies, complement fixation anti-bodies, etc. The presence and amount of these anti-bodies can be proven in the test tube. The group of these reactions

are designated immunity reactions, because it occurs simultaneously with immunity. But, it is one of the fundamental teachings of immunity research that not one of these numerous often highly complicated reactions offer a measure or proof of immunity. All of these reactions play a huge part in laboratory diagnosis and in scientific work, but as I said immunity cannot be measured by them.

Q. Do such reactions play any part during this trial here?

A. Yes, in the case of typhus and especially in Haagen's complex of work the so-called Weigl Felix reaction has been repeatedly mentioned, which is an agglutination reaction with Proteus X-19.

Q. Would you please describe briefly what this situation is?

A. The Weigl Felix reaction is the most important reaction referring to the diagnosis of typhus. A few days after the beginning of the illness the serum assumes the property to agglutinate these special bacteria Proteus X-19. As the illness progresses and takes time, this capacity increases in its strength so that finally the serum can agglutinate diluted one to ten thousand. After surviving this illness the agglutinants decrease in their amount and finally disappear completely. However, the immunity remains, and that this agglutination, although it is an immunity reaction, has nothing to do with immunity is best shown by this Weigl Felix reaction; the proteus bacteria, with which it is being carried out, are not at all the virus of typhus, and as I said before, the agglutinins disappear within one year but the immunity remains for decades and generally for a lifetime.

Q. Why did Professor Haagen after his protective vaccination work on this Weigl Felix reaction if it does not give any proof of immunity?

A. The reason is the following. Four facts are known. After surviving infectious diseases an immunity arises. We know that after protective vaccination immunity can also appear to a weak extent. We know on the other hand that after infectious diseases agglutinins often appear together with other anti-bodies. We also know that after vaccination agglutinins appear. Since the only reliable method in order to examine immunity material, a subsequent infection, is mostly and generally not available, one takes recourse to such serological reactions. This is an emergency aid and the expert knows that this is very unreliable and can easily lead to erroneous results, and this is one of the essential weaknesses in immunization research. For that reason one starts out on these very expensive and tedious statistics in immunity research, which

in spite of that always brings very questionable results, and for that reason experiments on human beings are again and again suggested, and in this connection I may perhaps point to a document which Professor Blome is going to submit here. In a paper by an American author the matter is described in the very same manner as I have just done. Now, my entire testimony could be perhaps in contradiction to what Professor Hoering has said. Professor Hoering said that as only exception in the case of yellow fever immunity can be established by blood examination. He said first of all that this was the only exception and since he did not know the subject of the trial this testimony needs brief correction. It is correct that in the mouse experiment one can establish that the serum of a vaccinated person kills the typhus in the test tube and the conclusion is justified that if the serum can do that in the test tube phase the blood has the same ability in the body, but Professor Hoering forgot to say that this serum reaction can have a negative result, namely, after the vaccination. Approximately two years afterwards the serum reaction becomes negative but that is not at all proof that immunity has ceased. Immunity is a collaboration of the properties of blood and tissues and takes longer.

Q. Is the description as it is given by you generally recognized or is that merely your personal opinion?

A. It is generally recognized and Professor Blome, who is interested in this question on account of his plague vaccines, will submit an American document; and if Professor Hestock made a different statement here, it was due to the fact that the immunity science belongs to the most difficult questions of medicine and generally is only treated by specialists. The non-specialist will always try to evade a question in this field.

Q. I now turn to the complex of the typhus work carried out by Professor Haagen of Strassbourg. I should like for you to tell me what your connection to Mr. Haagen was and what you know about his civilian and military position.

A. I heard of Professor Haagen for the first time by reason of his yellow fever work which he was carrying out at the Rockefeller Institute in New York. Then in the year 1936 I made his personal acquaintance when I came to the Robert Koch Institute. During the following years we, of course, met frequently. Haagen was a reserve officer with the Luftwaffe, just as I, and at the beginning of the war became the consulting hygienist with Air Fleet I. At the Robert Koch Institute he had the department for cell and virus research. He worked closely with Professor Gildemeister. He worked closer with him than was usually customary at the institute. These two gentlemen had already been together at the Reich Health Office and together had come to the Robert Koch Institute. They published an important handbook on virus research together. Haagen was considered to be one of the most important German researchers and was sent to the Rockefeller Institute in order to work there on yellow fever. Later he was called - I am sorry, I made a mistake, I meant the Rockefeller Institute in New York, because at that time already he was considered to be a virus specialist.

Q. Did you collaborate with Mr. Haagen?

A. No, I specialized on parasitological questions during the last decade and since my Herbes work was concluded in the year of 1936 I no longer carried out any virus work.

Q. What did Haagen do during the war?

A. He became consulting physician with Air Fleet No. 1. He participated in the Polish campaign in the year 1939. After the end of that campaign, in addition to his consulting capacity, he resumed his work at the Robert Koch Institute once more and when the Air Fleet No. 1 was transferred to the East he was transferred as the consulting physician to Air Fleet Center in order to enable him to continue his work at the institute. In the Fall of 1941 he became director of the Hygienic Institute at Strassbourg and thus ceased work with the Robert Koch Institute. At the same time he ceased his work as consulting physician with the Air Fleet because he had to devote his time exclusively to his insti-

tute, which was to be newly instituted. In addition, Professor Haagen up to that time had not yet been active as a university lecturer and he had to get used to this field of work. Since there was a lack of good hygienists at the Luftwaffe, I was approximately two years later, in the middle of 1943, assigned to go on an official trip to Toul in France and at the same time interrupt my journey at Strassbourg in order to discuss the question with Professor Haagen as to whether he could not, as a side position, participate in a consulting capacity.

A (Continued) I received this order from Professor Hipke, informed him accordingly. When I visited Strasbourg in the year of 1943, Haagen declared himself ready to assume such side activity with a great deal of reservation. However, he refused work with any other Air Fleet but one stationed at home. Accordingly, he reported to the Inspector, Professor Hipke, and Haagen in the second half of 1943 became consulting physician of the Air Fleet Center stationed in the Reich. He remained in this position until the end of the war. I don't know the extent of his official activity but I assume that Haagen went to his Air Fleet physician once or twice a month and, in addition, made a number of official trips in the case of special assignments. Haagen, as in the case of all other hygienists, sent half yearly experimental reports from which no great deal of activity became apparent. I remember a summarizing report particularly about experience gained with cholera and typhoid vaccines, about deficiencies in the building of barracks, and deficiencies in Housing and Settlement of youthful air men. Since the fact that so little is reported about activity with the Air Fleet does not exclude that he did a lot of useful work for the Air Fleet but all that work probably did not concern any fundamental matter which could even be mentioned in any report to the Air Fleet.

Q What do you know about Professor Haagen's fate after the collapse?

A I merely heard that he was kept here in the Murnberg mail for a long time. But, since as a result of the interrogations the accusations made against him were found to be unjustifiable, he was released by the CIC and released from Prisoners of War by the American authorities as a man without guilt.

Q What do you know about the research assignment which Professor Haagen received from the Medical Inspectorate of the Luftwaffe?

A I am hardly informed about the beginning of these assignments and my statements will therefore not be reliable because

this goes back to a time when I learned nothing whatsoever about these matters. Around the center of 1940 on the occasion of the campaign in France he probably got himself a research assignment with reference to yellow fever when one counted on the possibility that the battle field would extend to Africa. This assignment Haagen received from the Robert Koch Institute. I heard of this assignment when he was transferred from the Robert Koch Institute to the Hygiene Institute in Strasbourg. This became necessary because these assignments were not only given to the person individually but to the entire institute and when a person transferred, the assignment was also transferred to the institute. Obviously in the year 1943 he also received typhus assignment from the Luftwaffe and, I think, at the same time he must have gotten himself an influenza assignment. However, I can not remember that because at no time did I see a report from him on influenza.

Q How was it possible that he could have research assignments in the field of hygiene without you gaining knowledge of it as the consulting hygienist?

A Well, that is very natural. The research assignments did not originate from the medical inspectorate. The researchers asked for these assignments on their own initiative. That has already been explained here by witnesses and the procedure illustrated. Owing to regulations of the War it became difficult for civilian institutes to get raw material because civilian research work was completely neglected at first and if anyone received priority on basis of an order by the Wehrmacht only then could he receive raw material and personnel. This situation changed when the Reich Research Council was created which could even use higher priority numbers and the result was that everybody then endeavored to get research assignments from the Reich Research Council. In case of application for research assignment the people who needed that assignment personally asked for them and since there was no immediate interest on behalf of the

Medical Inspectorate in these things it was not necessary to ask a specialist to advise on the matter. In many cases it was a question of a mere courtesy on behalf of the Wehrmacht offices. I would compare it with a similar situation as it prevails in the Rockefeller foundation. I was speaking about the grants which are given out by the Rockefeller Institute. It is not necessary for the Medical Inspectorate to state that there is yellow fever in Africa and that it is a good thing to produce typhus vaccine. A consulting physician need not be asked to take part in these things. Only in later years the habit arose that of any research assignments I was also informed.

Q You were just speaking of a courtesy shown by the Wehrmacht Medical Services to the civilian researchers, in order to alleviate their difficulties. But Professor Haagen was a Luftwaffe officer. Didn't he receive these assignments in his capacity as an Air Force officer?

A No. That can clearly be seen from the documents which the Prosecution was kind enough to submit but upon which it did not comment accordingly and, therefore, I should like to do it for them. I refer to Document Book XIII of the Prosecution which is Document No. 137, Exhibit 189. This is page 6 of this document. In this document Professor Haagen, as the director of the Hygienic Institute of the University applies to the civilian superior of this organization, the director of the University, to declare the Hygienic Institute as an armament work. As a reason he gives a list of the numerous research assignments with which the institute had been entrusted. Naturally, it would have been of no importance to know what Haagen's assignments were in his Luftwaffe position but it was important for the position of the institute within the University. It can be quite clearly seen from this document, and Professor Schroeder correctly emphasized it, that the duty, the research activity, of Mr. Haagen was something which was carried on in his civilian sphere of activity.

Q Was this conception also represented by the Medical Service during the War?

A Yes, the Prosecution in that case has submitted the document which covers the point. We are here concerned with the Document No. 297 which is Exhibit 316, Document Book XII in the German edition to be found on page 112. We are here concerned with the conclusion of the yellow fever activity by Professor Haagen which says here "the Inspectorate of the Medical Service of the Luftwaffe asks.." and then the next paragraph states "it is requested," however, the next paragraph says "the Inspectorate asks, etc. to continue the work." Whoever knows anything about military correspondence in Germany, and I think that may be the case with a non-soldier, will recognize very clearly that this is not a letter of a superior agency of the Medical Services to a little staff physician but that we are here concerned with a letter by the Medical Inspectorate to an independent organization whom one cannot order about but to whom one has to make requests. Considering the German style of official correspondence this is something that is absolutely clear. In military order it says - it is ordered, you have to do this, you have to do that, execution of the report is to be notified on such and such a date. This letter also shows clearly that in the case of research assignments the Medical Inspectorate did not consider Professor Haagen as a subordinate.

THE PRESIDENT: The Tribunal will now be in recess until 1:30.

(A recess was taken until 1330 hours.)

1947

22 Apr-A-MB-15-1-Maley (Int. Brown)
Court No. I.

AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours, 22 April 1947)

THE MARSHAL: The Tribunal is again in session.

MR. HARDY: May it please Your Honor, after the completion of the Rose case on agreement with defense and the Prosecution and if the Tribunal desires, we would like to present the defendants, Ruff, Tomberg, and Weltz in that order, that is put their cases on in that order, and after the completion of the case against Dr. Weltz then hear the case against the defendant Brack, based on the fact that the cases of Ruff, Romberg and Weltz are very similar, and it wouldn't interrupt the continuity of thought, and the evidence then would be more convenient for both the defense and the Prosecution, to be handled in that manner.

THE PRESIDENT: Do I understand that is agreeable to counsel for the defense? If so, that method of procedure will be satisfactory to the Tribunal.

GERHARD ROSE - Resumed
DIRECT EXAMINATION (Continued)

BY DR. FRITZ

Q Various witnesses have repeatedly mentioned Stabsarzt of the Luftwaffe Graefe, who is alleged to have assisted Haagen in his work; who is this man and what did he have to do with Haagen?

A In the Luftwaffe, as in all branches of the Wehrmacht, there were so-called expert commandos. These were offices in the University clinics, in University Institutes, in which people from the armed services were sent for technical and special training for several years. Of such expert commandos for hygiene, there were three in the Luftwaffe, one in Graz, one in Heidelberg and one in Strasbourg. Only in the one in Strasbourg was the director of the Institute also a reserve officer in the Luftwaffe, but that was not of decisive importance. The commando might have just as well gone to another Institute as in the case of Graz and Heidelberg. Stabsarzt Graefe was such a medical officer, who had been detailed for expert training in hygiene. In this trial the ques-



tion is of importance, what the legal standing of such a commanding officer was. The question has frequently been decided on in German legal proceedings, because the act of detailing an officer has been a practice for more than a century, and thus the question of legal responsibility and other such questions have frequently been discussed in this connection. I am even in the position to describe such a case in detail which I experienced at the University of Heidelberg. I don't want to do that here unless the Tribunal expressly requires it, but at any rate the question has been decided in German law to the effect that the detailed medical officer is responsible to the Civil Institute, to the Director of the Civilian Institute, and that the Director is liable within the framework of the law for such errors as are committed by the detailed medical officer in the course of his duties. I grant that the question could still be disputed, but at any rate it is so laid down in German law.

Q Now, after this discussion on the legal aspects of it, I ask you to state if you know how reports were made on these research assignments, the content of these reports, when they were made?

A Such a report was prescribed. What the dates were on which Luftwaffe reports were to be made I do not know, because I never received a research assignment from the Luftwaffe. In the Research Department where I had to report, reports were given every six months. Haagen also sent such reports in, for example; on his yellow fever and influenza assignments, however, I saw no reports. In other words, his reports in these fields were certainly fragmentary.

Q What were these reports?

A Haagen was no better and no worse than other scientists in the matter of his reports. Most scientists made reports when they needed funds or when they were told to do so. On such occasions Haagen sent short interim reports. Otherwise, he limited himself to sending from the printed material about 2 reports, regarding his work, and calling them his reports.

Q What would generally be deduced from these interim reports?

A Not very much from the interim reports. The assignment was reiterated in it and there was a statement that work was being done, but these interim reports were never very informative, because these were not matters that were suitable for publication and therefore the scientists were very reticent. On the other hand, so far as I am informed, there was never much pressure that such reports should be made, because if one knows scientists, one knows very well that then they have found something out, when they have discovered something, they will report on their own initiative in order to receive recognition for their work, and if they have made no discoveries it does nothing to improve the situation if long reports are sent in on their failures. Scientific research is not something like a factory where you want a monthly report on production. If no positive results are achieved that is too bad, that is a short statement, but nobody gets very excited about that.

Q From your testimony one gets the impression then that Haagen's reports to the Medical Inspectorate were infrequent, but the witness Eyer states here that he wrote reports for Berlin every three months. Can you clarify this contradiction?

A First of all, the impression that Haagen's reports were infrequent in number is entirely correct, and if Miss Eyer says here that she wrote reports every three months, then I don't know where they went to. They certainly didn't go to the Medical Inspectorate of the Luftwaffe, because such an exemplary form of report would have been absolutely unique, and I should not have forgotten it. He would have been the "White-Haired Boy of Report Sending." The correspondence with the Reich Research Council that we have here seen does not give the impression that these reports were very frequent in number, but if one looked at the documents that have been put in evidence here regarding the various duties and obligations that he had, then you can explain Fraulein Eyer's attitude very well, because Haagen was concerned in his research with four entirely different things. First with the Ministry of Education,

to which his Institute was subordinate, and from which he received his salary, and which paid his Institute and his assistants, and of course he had to send his reports thither. Then he received research assistance from the Medical Inspectorate of the Luftwaffe. Thirdly, he received research assignments from the Reich Research Council, and in payment for their financial assistance they wanted to see a report now and then, and finally his work was supported by the SS, and so far as one can see from the documents three offices were concerned here, the Ahnenerbe, the Reichsfuehrer SS, and the WVHA. Thus in his scientific work there was a great number of offices with whom he was obliged to correspond. Then in his capacity as consultant he had to turn in semi-annual reports to the Air Fleet Physician, which were then sent on to the Medical Inspectorate. Those were reports with fixed dates, and if he didn't send them in on the date assigned, there was trouble right away. Then there were also special reports on any official journeys that he made. In addition to these official reports he had to turn in accounts, and there were fixed dates for that also. All these obligations to report can be seen clearly in the documents, and there is no wonder that the secretary comes to the conclusion that reports had to be sent off every three months, in view of this. For such a secretary in such a provincial institute, Berlin is a great big confused concept, and we have already seen here just how confused she was when she called me chief of the medical inspectorate of the Luftwaffe, and confused Professor Rostock with Professor Zeiss.

Q. What were your official relations with Haagen?

A. Our official relations in the military field are very clearly set forth; I was consulting hygienist and tropical hygienist with the medical chief of the Luftwaffe and from 1944 on was not alone in this, but was one of two. Haagen was the consulting hygienist for the Air Fleet Physician Reich. Handloser and Schroeder's testimony have already proven this and affidavits have also demonstrated that this position implied no relationship of subordination or superiority. I had no power to issue orders so far as he was concerned and I had no duty or right to report on official matters. Moreover the Prosecution, by submitting Exhibits Nos. 12 and 13, has made it clear. They are in Document Book No. 1 and they are Documents Nos. 418 and 419. These are the two organization tables in Luftwaffe research. I do not know if the Tribunal has these charts before them at the moment but I should be grateful if the facts that I am about to state will subsequently be checked on.

My name is set down on the left side of the chart in the group, "Science and Research of the Medical Academy of the Luftwaffe." Professor is listed as the subordinate of a Air Fleet Physician. This whole table of organization is pretty clear and everyone who knows how to read such a table of organization can see perfectly clearly that a relationship of subordination or superiority is not set down in such a table of organization.

I must point out one point, namely a serious error in one of these charts in connection with the names of Professor Haagen and Professor Tuckschwardt, in both

tables there is the notation University of Strassbourg. I don't think we need any expert to ascertain for us that the University of Strassbourg was not subordinate to the Air ministry and certainly was not subordinate to the medical chief of the Luftwaffe.

Q. The Prosecution asserts you were Haagen's superior; is that incorrect, you say?

A. Yes, the Prosecution asserted that repeatedly but the assumption is erroneous and proved in no way. The relations between Haagen and myself was perfectly clearly laid down, according to German organizational procedure. The Prosecution bases its assumption on the affidavit which Professor Schroeder signed and of which he has specifically stated here how he wanted it to be understood and that it did not have the importance that the Prosecution ascribes to it.

Q. Mr. President, in this connection, I should like to put in Rose Document No. 8, which is on pages 24 to 27 of Document Book Rose No. 1. This will be Rose Exhibit No. 29. This is Professor Dr. Hans Otto Luxenborgers' affidavit of 2 February 1947. I should like to read a short passage from it, starting with paragraph 2 on page one of the document.

"At present I am a specialist for nervous diseases in Munich and consulting psychiatrist of the Catholic Youth Welfare.

"Up to 1941 I worked in the German Psychiatric Research Institute, one of the Kaiser-Wilhelm-Institutes, attached to the University of Munich. As the Nazis regarded me as politically unreliable, I had to leave this institute in 1941. In January 1941 I was called up to the German Luftwaffe, at first as assistant physician.

I worked until 1944 with the Medical Inspectorate of the German Luftwaffe in Berlin as an expert on psychiatric questions, and then in summer of 1944 became Commander of Instruction Groups at the Luftwaffe Medical Academy in Berlin, and at the same time consulting psychiatrist with the Chief of the Luftwaffe Medical Services, with the rank of Oberstarzt."

Then on the next page of the Document, I read under No. 2:

"The consulting specialists with the Chief of the Luftwaffe Medical Services had a purely consultative function. The consulting specialists with the Air Fleet were not subordinate to the consulting specialist with the Chief of the Luftwaffe Medical Services, but to the respective Air Fleet physician. They were not obliged to take orders from the consultants with the Chief of the Medical Services.

"The personal relations between Professor Rose and Professor Haagen, who was consultant hygienist with Air Fleet Physician Reich, were, as far as I can remember very bad. I therefore think it unlikely that they worked together on a scientific basis. I can also remember that Professor Rose repeatedly said in my presence that he did not know what Professor Haagen was really doing. He was apparently making no headway at all with the production of a new typhus vaccine."

That will conclude my quotations from this Document, but I shall return to the rest of it later.

Q. You explained your official relations with Dr. Haagen; now will you please explain your personal relations with him?

A. Our personal relations were cool, we were very

different sorts of persons; I had contact with him only in an official capacity. I never had an outright conflict with Mr. Haagen. Externally, I had perfectly normal relations with him, but neither of us had much doubt about the inner conflict between us. I took it ill of Professor Haagen in the scientific field that he concentrated himself solely with development research during the war, with new research assignments, instead of using his indubitably great knowledge in the technical field in order to concentrate on purely production problems. I looked upon this as a misuse of his capabilities, because although I was convinced that his scientific goals were perfectly correct, I was also convinced that he would not succeed in a practical solution during the war, because experience in all these problems had shown that the period of development took years. Also the Medical Inspectorate embraced this point of view, although it had no influence directly on Dr. Haagen's work. The Medical Inspectorate tried again and again, by giving him new assignments, to begin him on production, and always gave him new assurances, but no civilian sphere where the Medical Inspectorate could give no orders or directives, but simply request.

Q. However the Documents show that you sent him information; why did you do that?

A. I held that to be my duty, that pertained to my office. If I found out anything new, of which I had to assume that it was not generally known, that should be brought to the attention of those interested and those who were participating in the matter.

Actually what my orientation on the matter was can

be seen from my report on the Copenhagen trip when I communicated this important matter to the Typhus Research Institute and specialists, with no regard as to whether or not they were Luftwaffe, Army, or Civilian institutes in the Reichs Ministry of the Interior, or University Clinics. I sent this report to all those who might be interested and it was in this way that Professor Haagen also received his report.

Q What can you say on the basis of your official and other knowledge about Professor Haagen's typhus research?

A First of all, my sources; since the Prosecution has made me responsible for Dr. Haagen's work, I have made considerable effort to ascertain precisely what he did do and I can now give you information on Haagen on the basis of the following sources: On the basis of his publications; on the basis of what I know through private conversations with him, and then from my memory of the reports he sent to the Luftwaffe, which, however, correspond very closely to his publications; and then from the documents put in evidence in this trial. You have to distinguish between two sections in Dr. Haagen's scientific research, first when he worked with Gildemeister at the Robert Koch Institute. There he concerned himself with the production and manufacture of vaccines from virulent viruses, which, however, had been killed. I shall not dilate on the results of his work. They are in part mentioned in the annual reports of the Robert Koch Institute. Then Haagen became a Professor in Strassbourg on the 30 October, 1941. This was before the question arose of testing these vaccines at Buchenwald because so far as we could see from the documents now, this matter was set in motion only in the winter catastrophe of 1941-1942, nor did I ever hear that Haagen participated in anyway in these Buchenwald experiments and if there is mention there of a vaccine according to Gildemeister and Haagen, this is simply meant to describe the method of production, but does not mean that Haagen actually had anything to do with it himself. I know nothing to the effect that Haagen worked after 1942 in Strassbourg on typhus. I think that he first of all concerned himself with the construction of his institute, which at the beginning was not in a condition to be worked in. At any rate I know of no positive results from that period. Now, Haagen heard Ding's report. In the discussion he said, and others also said the same thing, that these Ding experiments clearly proved that with killed typhus vaccines

you could not achieve any anti-infectious immunity from typhus. This problem could only be solved through the development of the living avirulent vaccine, and in future on this principle he carried on his work after 1945.

Q It might be well, Professor, if you stated in a clear and understandable form the difference between these two types of vaccine, because it seems to me that it is of importance in order to understand Hangan's work in Strassbourg.

A Yes, that is of absolutely decisive importance, and in order to understand all of the documents it is almost impossible to understand this whole question without knowledge of the basis reports of the camp Natzweiler. The testimony given here in this field was given by persons who are not specialists and you cannot understand that testimony at all because the concepts are so confused in their testimony that at the end it is impossible to tell what the witness was talking about and what he meant to say. Let me then start with the concepts of virus, virulent and a virulent, and vaccine. First in order to clarify impartial the question of a virulent, and an avirulent virus, I asked three times that Professor Blanc be called as a witness here, who is an international expert. However, the Tribunal refused this application and now it must be satisfied with the testimony of one of the defendants in this matter. First of all, originally the word "virus" meant any infectious organism. In modern medicine the concept of virus has been limited to a special group of the most microscopic sort of organisms, which have a group of characteristics in common. The characteristics are as follows: These organisms cannot be seen with the light microscope. Consequently the term "ultravisible" or "ultramicroscopic organisms". Furthermore these organisms pass through a filter through which, bacteria cannot pass, consequently the term "filterable" virus, and finally these organisms cannot be bred in artificial media, although bacteria can be so bred. To the group virus, so far as this trial is concerned, there belong the following: The germs that cause hepatitis - epidemica,

yellow fever, and influenza. The case of the germs that cause typhus is still in question. Many researchers consider them virus although they are microscopically visible, and other researchers give an intermediate position between bacteria and virus. At any rate the typhus germs have a special name. They are called Rickettsia after the American Ricketts and for this trial the following rickettsia are important, rickettsia prowazek, the germ that causes epidemic typhus, or louse typhus, and the rickettsia moseri or rickettsia murina, which cause endemic or rat typhus. It is not disputed that the rickettsia have many characteristics in common with the virus.

Q Now what is a vaccine?

A Originally the word "vaccine" was only used for the vaccine against small pox. Then it was used as a general expression for living vaccines generally, that is vaccines from living germs, until the habit has arisen that vaccine is used for anything that can be considered a vaccine today. At any rate a vaccine is always a material that is designed for protective vaccination and it is impossible to just exchange the terms vaccine and virus as it was often done in testimony here in this court room. The example as to how the testimony can be changed by this exchange is the testimony of the witness Olga Eyer, during her cross-examination by defense counsel this witness, as the record shows, all of the time spoke of a living typhus vaccine of Professor Haagen. She explained expressly that as a clerk she didn't know very much about these matters but throughout her entire testimony she maintained this expression on "living vaccines" and as a secretary of Haagen she must have written this hundreds of times, this being this main subject.

A (continued) During the re-examination at the end Hardy put a very simple short question to her, "You meant living virus, didn't you?" The witness answered this question without any question in the affirmative and therefore, contradicted her entire evidence; namely, what before had referred to vaccinations, had not suddenly become infections. So, I think it is quite justifiable that finally after this trial has lasted for months it is being clarified what we are talking about. Laymen and even a number of physicians are still mixed up about vaccines and serum. This has occurred here in the documents but not in such a form that it in any way frustrates our search for the truth and that is why I forego explaining this concept - to shorten these proceedings. At any rate, with very rare exceptions, vaccine is used as a protective vaccination as a preventive means, and a serum, with very rare exceptions, is used for treatment after the illness has already started.

Q What kinds of vaccines are there?

A One distinguishes between two main groups. There are vaccines which come from bacteria toxins and from chemically changed toxoids. The vaccine against scarlet fever, diphtheria, and gas gangrene are examples. In this trial the protective vaccination against diphtheria and gas gangrene are mentioned. The second group, the vaccines from morbidic organisms themselves. They again can be distinguished by subdividing into two sub-groups. 1. A vaccine from dead morbidic organisms. An example from the contents of this trial - you have vaccines against cholera, against typhoid, and para-typhoid and the typhus vaccines according to Weigl, Gilde-meister and Haagen from animal lungs and the liver vaccine according to Ipsen. The second group are vaccines from living attenuated morbidic organisms. An example from this trial is the vaccine against small pox, against yellow fever, then the plague vaccines with which Mr. Blome dealt. Then the Calmette vaccine against Tuberculosis and the Haagen vaccine against typhus. Finally, the

typhus vaccine of the Frenchmen Blanc and Legres. As the last we have the influenza vaccine.

Q Would you please explain the expressions virulent and avirulent?

A The expressions as they are used today cannot be derived from the word virus as the smallest morbidic organism, as it is used today. These expressions originate from old times where one used the word virus in order to designate the infectious organism. Virulence is the capacity of a micro-organism, no matter whether virus or bacteria, to bring about illnesses. A strong virulence has the capacity to bring about death or severe illnesses. A weak virulence has the capacity to bring about mild or no symptoms at all. Avirulence is the lack of capacity to bring about any illness. One must note that the expression virulence does not say much in itself. If one wants to be correct one also has to add "virulence for something or other." A strain can be highly virulent for an animal but completely avirulent for a human being. The Prosecution, for example, in examination of the witness Gutzeit, had difficulties in believing his testimony. From the fact that when infecting with hepatitis virus all mice had died he concluded that such hepatitic virus in the same way must kill human beings. That is not the case at all. For instance, in the famous Pasteur rabies vaccines virulence of the rabies virus was increased to such an extent that guinea pigs died within five days, whereas originally the death only came about after three weeks to two months. But, the increase of the virulence as it affected the rabbit is connected with the simultaneous attenuation of the virulence as it affects the human body, which made it possible that this so-called passage virus be used for vaccination on a human being. An example from this case: the typhus strain matelska which was supposed to have lost its virulence for human beings according to Ding's diary in Buchenwald is highly virulent for the guinea pig according to the statements contained in the Ding article in the

Periodical for Hygiene. This is the footnote in Document 9 submitted by Mrugowsky. One has to consider that among experts one often omits explanatory statements when one would assume that experts would know what is being meant. Naturally there comes about the danger of misunderstanding whenever these documents have to be appraised by laymen. Considering all these vaccines one, in addition, has to know that whenever dead vaccines are being produced particular value is attached to using virulent strains in order that these vaccines also contain the V-antigene - this is the abbreviation of virulent antigene. Whenever the expert speaks of particularly strong virulent vaccines one can be sure that he means vaccines from killed but very virulent germs, but even in the case of the physician who is not a specialist one cannot be sure at all whether the expression is meant in that sense. In the case of the laymen one has to ascertain exactly what it is he means and, furthermore, whether his knowledge is sufficient in order to be able to distinguish these two concepts very clearly.

MR. HARDY: May it please your Honors, all this information the defendant is giving us unquestionably is material and is of value to the Tribunal. But, inasmuch as it is so technical I would think it advisable to have the defendant write this out in essay form and submit it to the Tribunal in the way of an affidavit so that we can all use it to further advantage and have it separate and apart from being in the record. And, introducing it in that form will serve a dual purpose of also saving the time of discussing it here if he will present it in such a form.

THE PRESIDENT: It might be more helpful to the Tribunal if that plan were followed. I don't know how much longer the witness intends to testify on that scientific matter.

PROFESSOR ROSE: I would have been finished in the time Mr. Hardy used for his objection. Naturally I am quite willing to submit a written paper on that matter in case Prosecution and the Tribunal would desire me to do so. However, I would be grateful if I could

finish this paragraph.

DR. FRITZ: Professor, it was your intention to explain some other concepts, for instance the concept of control which plays a considerable part in this court room. That is, in case the high Tribunal would desire you to make a written report on that it may be better to do so than to take more time of the Tribunal.

PROFESSOR ROSE: If I include the explanations of the concept control I would take five minutes more to discuss it.

THE PRESIDENT: Counsel, witness may proceed in accordance with the manner in which they followed here before.

PROFESSOR ROSE: May I ask whether it is desired that, in addition, I submit these explanations in writing?

THE PRESIDENT: In the case of the Tribunal that will be unnecessary. The witness' statement is already in the record.

PROFESSOR ROSE: Yes, your Honor.

THE PRESIDENT: However, if counsel and witness desire to present such a written statement and have it introduced as a document they may do so.

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WITNESS: Well, I was just saying that it is very important that, when examining a witness, one ascertains whether he really understands these concepts and can handle them as they should be handled. Generally, in the case of the layman and also in the case of the physician who had no specialist training one will arrive at the result that he will not be in a position to make a clear statement about these concepts. It is my impression that all the accusations raised against Professor Haagen originated mostly from this layman-like notion that a living typhus virus is a terribly dangerous and lethal matter without it becoming clear to the layman that an avirulent typhus virus vaccine is mentioned and is not a morbidic organism in the every day sense of the word. If at the end I deal with the word "control" I want to say that with that, in a medical sense, the group for comparison is meant where the essential factor is lacking; namely, the one which is to be examined in the group for experiments. In order to know in detail what a control group actually constitutes, one has to know what the subject of the experiment is. Only then is one in a position to answer the question. Now, if Professor Schroeder answered to the question of the Tribunal "what a control group was" and said that these are the people who were not vaccinated, this can only be explained by his lack of experience in experimental research work. Professor Schroeder is an experienced clinical physician. He is an uncontestable authority in the field of erection of hospitals in Germany. He was a leading man dealing with nursing personnel, but he just did not work in experimental medicine. What control group actually constitutes or

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what it can constitute I would like to illustrate by using four examples. In the case of typhus experiments, that is, comparison experiments in Buchenwald, the experimental groups were those people who were treated with vaccines and afterwards were infected with a virulent virus. The control group comprises those people who were not vaccinated but merely infected. That is the case where the explanation is correct as given by Professor Schroeder. In the case of the therapy experiments in Buchenwald, the matter is entirely different. The experiments which Ding is said to have carried out with Rutenol and methylene blue were such where the experimental group, as well as the control group, were not vaccinated. The experimental group, according to the documents of the prosecution, in addition to the symptomatic treatment received treatment with the drugs that were to be examined. The control group, on the other hand, only got the customary treatment.

Now, a third example - let us consider a nourishment experiment. Whenever the influence of a certain one-sided nourishment procedure is to be examined the experimental persons are those who are getting deficient nourishment. The control group consists of those people who receive normal nourishment.

Fourthly, another example taken from the subject of this trial. The experiments with the apparatus for the decontamination of water. The experimental persons are those who received the water that was first poisoned and then decontaminated, and the control groups comprised those people who received ordinary drinking water. In the case of this latter experiment, the people in the control

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group are those who are undoubtedly better off, and in the case of the nourishment experiments one can only make a judgment when knowing exactly what kind of nourishment they were given. In the case of the example I mentioned, the control groups would be better off, and when examining the Wehrmacht special rations the experimental subjects are better off since the Wehrmacht special rations are much better than the normal rations given to people.

This brings one to the conclusion that one can only conclude something from the word "control" when knowing the subject of the experiment. The word itself can easily be misinterpreted. What the word "control" means in the case of the correspondence of Haagen I shall illustrate when I get to that point.

BY DR. FRITZ:

Q. After this explanation of these basic concepts I should like to ask you to describe the vaccine of Professor Haagen as far as they are known to you according to the source which mentioned before.

A. I already referred briefly to the first experiments by Haagen which had as a result this vaccine Gildemoister-Haagen. This is a vaccine from highly virulent strains which, either by heating or the addition of chemical material, were killed. Since these vaccines were produced from especially virulent strains and since new strains were always bred from the blood of the ill persons there occurred currently the laboratory infections in these laboratories.

Q. In order to illustrate Haagen's experiments would you shortly describe what is understood by an avirulent living vaccine?

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A. Well, the basic discussion of any such vaccine need not be made by me in order not to take up time, but it will merely be necessary for me to illustrate the historical development of avirulent vaccines. The work of Haagen cannot be understood unless one knows the fundamental principles upon which it is built. The introduction of the avirulent vaccine from living germs constitutes the small pox vaccine. Its application is known by every family father who has children. He knows that when the baby is first vaccinated a pussy crust develops at this point where the vaccination was made; that this condition remains for a number of days. He knows that the child does not feel well during that period; that it really is ill; and that, after a few days, its condition develops and he gets fever. Fever usually starts on the ninth or tenth day and can go up to thirty-nine to forty degrees. This original procedure by Jenner was improved as time progressed. The reaction to vaccination is a little milder today, but basically the progress has remained the same. Now, we who have grown up and were later again vaccinated do not remember this old procedure because the revaccination takes a different course since at that time one has already built up a basic immunity which originates from the first vaccination. There is either no reaction at all or only a little red inflamed spot. It is very rare that any fever occurs. Now, in the case of Jenner's discovery we are concerned with an observation made accidentally. This principle was used in the case of the Pasteur rabies vaccine which I already mentioned before when explaining the concept virulence. This is the second example in medical history where one

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finds a living avirulent virus as vaccine. The third step was the modern plague protection vaccination. This constituted something very significant because the first two examples I mentioned were virus illnesses and in the case of the plague this method was, for the first time, transferred to the bacteria illnesses. The basic discovery consisted of the fact that Guinea pigs could not be immunized with dead vaccines no matter how virulent these strains were before they were killed. The German scholars, Koller and Otto, succeeded in immunizing Guinea pigs with avirulent living plague bacilli. Since this thought to use living plague bacilli on human beings first was considered to be Utopian, the matter was dropped. Afterwards, as I already mentioned yesterday, the great American bacteriologist, Strong, took up the thought he got this strain from Otto and Koller and then carried out these human experiments on the inmates of Billibit. This risk was successful. The strain was avirulent not only for animals but also for humans. There were fever reactions up to forty degrees but never did any plague illnesses develop.

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Altogether 900 persons were vaccinated in this series of experiments that is with these living plague bacteria. Naturally, not all of them were people condemned to death. That would have been impossible, and I don't know even whether they were all inmates of a penitentiary. It doesn't say so in the paper. From what I know of Billibit, this is a place used for about three or four thousand inmates. Strong didn't report about any serious incidents, but in spite of that there was a great prejudice among expert circles against that procedure. In the year of 1911 when Strong combatted Plague in Manchuria he did not dare to apply this procedure outside the American controlled territories, although he already made this discovery already in the year 1905. It took more than 20 years, up to the year of 1926, until this prejudice was overcome, even in expert circles, and the procedure was developed by Frenchmen and Dutchmen to an extent that it was used on millions of human beings. Since two decades it is really dominated the entire plague protection vaccination. As an example from this trial I must say that in the paper by Strong, there is no mention made about the voluntary aspect of the experimental subjects, or even if mention had been made of that no person would have believed it. This work originates from the year of 1905, and the custom to have inmates of penitentiaries to sign statements regarding their voluntary nature appears only a few years later, according to American literature. But let us revert to the avirulent vaccine. The next avirulent vaccine was the famous Calmette vaccine against tuberculosis. This consists of the introduction of living but avirulent tuberculous bacilli. It is rather widely spread in Europe with the exception of Germany, and at the moment propaganda is being carried on in America in order to introduce this vaccine there. The matter was stopped in America because in the case of one of these vaccinations there had been a terrible accident. The virulent culture

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was mistaken for the avirulent culture and 70 children of those who were vaccinated with that strain died. Although this really had nothing to do with the entire procedure, but was an error, a negligent error in the laboratory, this accident created that prejudice.

- Next is a virus illness, the development of the avirulent yellow fever vaccine, on the basis of the work carried on by the Rockefeller Foundation in New York. In the case of the first test of this vaccine I happened to be an experimental subject myself, a voluntary let me say. - Now here we have the avirulent typhus vaccine. The first was a vaccine from living attenuated murine rickettsia. A Polish and two French researchers worked on that procedure, using various methods. Best known is the vaccine according to the Director of the Pasteur Institute at Morocco; here the witness Edith Schmidt testified that she knew of that procedure, but that it was not applied because of its dangerousness. But apparently there are hygienists in France who are of a different opinion than this technical assistant, because this vaccination was carried out in Morocco in hundreds of thousands of cases on natives and the white population. It is admitted that this vaccination can cause very high fever, but on account of the great danger of typhus this is put up with just as we agree that our children go through fever reaction in the case of vaccinations against smallpox. This scientific development as I described it, as I think only in a very short form, is the exit point of Haugen's scientific work. Haugen, according to Blanc's example started with a vaccine from living attenuated murine rickettsia. He didn't use Blanc's technic, but he applied the same technic, which already has proven itself in the living avirulent yellow fever vaccine. This is the technic of the dry vaccines. A very complicated apparatus is necessary, but they have the advantage of being more durable than living vaccine which are produced according to a different procedure.

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Technically, it is of greatest difficulty to lend any endurance to any living vaccine. The examination of such a dry vaccine from living attenuated murine virus showed the same results when Haagen carried it out as was found in the case of Blanc. A number of persons suffered no considerable increase of temperature, others had to suffer fever for a number of days.

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Q. Professor, you were just speaking of the examination of dry vaccine of Haagen's; what do you understand by examination of vaccines?

A. In this case, we are exclusively speaking about the examination of its tolerance on human beings, computability, and the question as to how severe by the fever is conditioned by this vaccination, in other words the severity of the vaccine reaction. This is the point which is very decisive in the case of the living a-virulent vaccines. In the case of these vaccines this question of reaction is very important, because if you have a tolerable vaccination reaction it is sure that the protective effectiveness is also more favorable. This is absolutely clear, according to general experience. Now and again it is examined subsequently, but today one can say with certainty from the outset. Now the vaccination reactions in the case of most living vaccines are stronger than in the case of the dead vaccine; but as I have already said, the immunity is more favorable, this is taken into account, since this procedure is only applied in the case of especially severe illnesses. Naturally the hygienist as well as the physician prefers any vaccine, which causes reactions, but it is clear that a condition, which is only brought about by a severe disease dangerous to life, can only be brought about artificially, by certain subsequent reactions, such reactions as fever, head-aches, etc., one must always consider the gain. One must always consider that this constitutes a protective injection against an infectious disease which is dangerous to life.

Q. Would you please continue describing Haagen's experiments?

A. Haagen at first did not arrive at any other results than Blanc when conducting these experiments. This is the situation as one can see it from his report to the Reichs Research Counsel, dated 21 January 1944, under paragraph 2. This is Document No. 138. I am afraid it must be an error, I think this is contained in Document Book

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No. 12, page 87. This is also the situation which I described when I gave my lecture in Basle on 17 February 1944. This vaccine was only used in the case of conditions where there was great danger and where on the other hand it did not matter if the people suffered fever for a few days and had to stay in bed. During war time, one cannot do that in the case of the troops who are committed in the front line; one cannot put a squadron of bombers to bed just because they were vaccinated against typhus. Therefore, Haugen endeavored to find a method which would alleviate this vaccination reaction. He first had just meant to vaccinate with a dead vaccine, for instance the vaccine of Gildemeister-Haugen and then vaccinate again with the living avirulent vaccine. This thought was really very logical, after it had proven itself that these dead vaccines influenced the course of the illness very decisively. Hence the assumption was justified that it would have a favorable influence on the vaccination reaction with a living a-virulent vaccine.

May I ask whether I have explained this point clearly; naturally the gentlemen of the Tribunal are not acquainted with this question very well, but I think it is of decisive importance.

THE PRESIDENT: I think the witness has explained his ideas on the subject.

Witness, how much longer will your explanation on this particular branch require?

THE WITNESS: I believe that this would be a good point to recess, because after this basic explanation I shall turn to the explanation of a number of individual documents, and will then describe what these documents actually mean according to the explanations which I have now given.

MR. HARDY: Your Honor, in keeping with what I suggested some 40 minutes ago, if the defendant still has another half hour or more

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to continue on in this technical language, it seems to me the suggestion of an affidavit would suit our purposes much more conveniently.

THE PRESIDENT: It seems there might be considerable merit in that suggestion. Counsel, how much further in the course of your examination of the witness, will these technical explanations be produced?

DR. PRITZ: Only one more question, I think. The defendant just said himself that after having made these general statements he will explain the individual documents which are also supposed to incriminate him.

MR. HARDY: That may be well and true, Your Honor, but just 40 minutes ago we heard we were only going to hear this for five minutes longer, and now we have been listening to it since 10 minutes to three o'clock.

THE PRESIDENT: If the witness is now approaching that point which effects his particular case, I think the witness should be permitted to testify orally in that matter.

The Tribunal will be in recess until 9:30 tomorrow morning.

(The Tribunal recessed until 0930 Hours, 23 April, 1947).

23 Apr 47- M - 1-1 - LJC - Foster (Ramlar)

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 23 April 1947, 0930, Justice Deals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all defendants in court.

Counsel may proceed.

GERHARD ROSE - Resumed

DIRECT EXAMINATION (Continued)

BY DR. FRITZ (Counsel for the Defendant Rose):

Q. Professor, yesterday you were giving a description of the medical basis of Dr. Haagen's work. You already explained that Professor Haagen was working on a new living avirulent typhus vaccine. Would you please, briefly, explain the connection between his plans and the document which I am going to discuss with you and put into my next question.

A. I repeat very shortly, I had described that in the case of vaccination with a living avirulent vaccine, we are basically concerned with similar events as occurred in a genuine infection and that, therefore, the expressions and phases used must in many things be very similar and sometimes even be the same. It is naturally understandable that laymen misunderstand these terms, and it is not surprising at all that the prosecution also considers a number of

23 Apr 47-1-2 - LUG - Foster (Ramlar)

documents as being suspicious while in reality they are completely harmless.

Q. Did you have the desire to alleviate Haagen's vaccination reaction which came about from murine in his small pox vaccine rickettsia; did that have anything to do with your correspondence with Haagen?

A. Yes, the letter refers to this question which Mr. Hardy could not understand when submitting his documentary evidence and about which he wanted an explanation from me. This is document 122 to be found in Document Book No. 12 on page 82. I think that I should have to read this letter once more, considering it is significant, although it was already read once by the prosecution. I draw your attention to the date which is the 13th of December 1943. It says:

"Dear Mr. Haagen.

Many thanks for your letter of the 8th of December. I don't think it is expedient that in addition to the application which you have already made, another special application is made to the SS Main office. I request that in the case of getting the people to be vaccinated for your experiment that you requisition a corresponding number of persons for vaccination with the Copenhagen vaccine. This has the advantage, as also was shown in the Bucherwald experiments, that the testing of various vaccines simultaneously gives a clearer idea of their value than the testing of one vaccine alone."

Then follows the end.

Q. How is it that this letter isn't signed by you yourself?

A. I cannot remember with certainty that I dictated this letter, but judging by its form it is quite possible that it originates from me. It was customary whenever I went on official trips and my typists hadn't finished their letters, that I left it to them to sign them, that is, in every case where the letter was not directed to any superior agency. I think that this letter is absolutely genuine.

23 Apr 47-1-2 - LUG - Foster (Ramlor)

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23 April 47-M - 1-3 - LJC Foster (Ramlar)

The contents of this letter fit into the connection of the situation at that time, and it is quite clear to me. Professor Haagen, as well as the five other agencies which are mentioned in the distribution list, received the annex to my report about my trip to Copenhagen and I mean the annex which refers to the Ipsen vaccine, Rose document 22, volume number 2, pages 15 to 19. He had then worked with a dry vaccine from living attenuated murine virus. He tried to find some way in order to alleviate the vaccination reaction. As I explained yesterday, he intended to do that by carrying out preliminary vaccinations with a dead vaccine.

I may emphasize that this thought was not new at all. These experiments have already been made before in the case of other living vaccines, and the best known method of that nature is the sero-vaccination which was introduced at the beginning of the yellow fever vaccination when one had no harmless yellow fever vaccines yet. Then, yellow fever serum and vaccine was vaccinated simultaneously. Since the end of 1943 Haagen worked with a vaccine from murines, and that can be seen from his report to the Reich Research Council to which I pointed out yesterday, he must naturally have been very interested in the Copenhagen vaccine because that one was produced from dead murine virus. Haagen at that time obviously had planned an experimental series where he would make prevaccinations with a number of dead vaccines and would then be able to test to what extent they were in a position to alleviate the reaction of his living avirulent vaccine. Originally he only intended to use such vaccines for his pre-vaccinations which were already generally applied with the Wehrmacht.

In this letter he put the question and suggests to start a series of experiments with the Copenhagen vaccine for the same purpose. In my answer I obviously make suggestions to the contrary and object that he should start a special series of experiments for that purpose. I say that it would be far more expedient to have these

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23 Apr 47-M - 1-4 - LJO - Foster (Rumler)

series running simultaneously and my indication to the Buchenwald vaccination is a matter of course for the biologist, because in Buchenwald the effectiveness of various vaccines upon the course of the illness was tested in the case of an infection with virulent virus. Haagen, on the other hand, was dealing with the problem of influencing the vaccination reaction with living avirulent vaccine. The parallel aspect of these two testings running together was even more desirable in the case of Haagen, since Haagen's vaccine was still in the stages of development, it had in no way been standardized and he couldn't have large supplies.

Q. You were just discussing vaccinations and you described them as infections with attenuated living vaccines. But we are concerned with infections on human beings in this trial and that constitutes one of the main counts of the indictment.

A. Well, I described yesterday that the application of an avirulent vaccine from a biological point of view is a kind of infection but an infection which can be controlled and which is not dangerous. As for the legal aspect of any such infection, you find the smallpox vaccination, the yellow fever vaccination, and all other vaccinations which I have already mentioned are infections in the very same sense but they have gone outside this sphere of juridical judgment. No prosecutor would entertain the thought today to make any accusations because of a smallpox vaccination because he would undoubtedly make himself ridiculous. The typhus vaccination, on the other hand, hasn't progressed that far as yet. I admit that. Haagen in his work in this field knew of the Frenchmen Blanc and Legree and a number of others as predecessors, and he was in a much safer ground in his work than Strong, for instance, when developing his plague vaccine. Strong said expressly in his report that he was surprised at not finding any stronger reaction and not encountering any incidents. Haagen, throughout the years, could always base himself upon experiences which were available to him, and I'm referring to experiences which had been made during the last forty years, and, in addition, he could base himself on the technique which had been developed, especially in the production of virus vaccines. In addition, there was his very special personal experience as a virus expert. All these were factors which gave him the assurance that any serious incidents could not occur. Certainly, his procedure is not fully ripe as yet, but there is no doubt that within four or five years it will be the generally applied procedure in the case of typhus. If Americans are trying to follow that procedure, too - such as at the Rocky Mountain Institute or the Rockefeller Institute in New York - I am sure that this stage will be reached within a period of two years already. In its present stage, however, it is possi-

ble to find somebody who would give an expert opinion and therein consider this procedure as being doubtful and that, I am sure, you will find if you take a surgeon as an expert in this field who knows little about the development of a typhus vaccination. If you want to create any martyrs in this procedure, this will be the last opportunity. In three years' time the public will no longer tolerate that. I can only say that Oberstarzt Kowalzek, who was with the Luftwaffe, has already clearly suggested that this French procedure be applied generally in the Luftwaffe. After this, he vaccinated himself and the members of the German Armistice Commission in Morocco according to this procedure. The Medical Inspector at that time did not decide to introduce that procedure because he still considered the reactions to be too severe considering time of war. He assumed that in peacetime such reactions could perhaps be tolerated by the troops but that that could not be done under conditions of war. Accordingly, I saw no reason whatsoever to voice any misgivings about the fact that Professor Haagen was dealing with a procedure which was recognized and, to a considerable extent, was already practically applied. Certainly, in more than a hundred thousand cases.

MR. HARDY: Your Honor, the defendant has now been on the stand over two days. This morning he is spending twenty minutes merely approaching the point where he is trying to attack the integrity of this Tribunal and acting in a manner which is not appropriate here, and I feel that the defendant should answer the questions asked of him and not delve into the question of whether or not the Tribunal knows this case or whether or not the prosecution has weighed the facts in this case. That is for the Tribunal to decide and not for the defendant to decide.

THE PRESIDENT: The witness should answer the questions more directly without so much diffusion in his answers. The witness may file, as it was stated yesterday, a supplemental affidavit to his testimony, if he desires to do so, but this particular phase of the trial has lasted quite a while and I think the witness - questions should be asked him - propounded to the witness which he can answer more definitely and that the wit-

ness should endeavor to answer the questions as directly as possible.

I would say further that counsel will have ample opportunity to argue the questions, both on the fact and on the law. He may file briefs and submit oral argument to the Tribunal. A great deal of the time taken up by the witness is really a matter which can be properly argued to the Tribunal, from the facts, by his counsel.

BY DR. FRITZ:

Q. Haagen tested the compatibility of his vaccine on human beings. Couldn't he ascertain that by testing it on animals?

A. The pre-testing, where animals are possible, was actually carried out by Haagen, as can be seen from his reports. He had plenty of animals available. The decisive question as to what the vaccination reaction is on a human being can only be ascertained by testing it on a human being.

Q. Why didn't he test it on himself or on his collaborators?

A. This is impossible for the simple reason that, in order to find out what a vaccination reaction is, one needs a larger number of persons. In addition, the persons in his environment were already vaccinated against typhus and for the most part had already experienced typhus themselves because of the work in the laboratory.

Q. Why did he have to go into a concentration camp in order to carry out his tests?

A. The reasons which caused Haagen to go into a concentration camp I don't know since I didn't discuss that matter with him, but they are very obvious. For one, there are technical reasons which led him to do that, and then there are purely practical reasons. Whenever one did carry out any such test vaccinations, one would carry it out on persons who would benefit most in case they were successful. The free population of Western Germany and Alsace was not at all subject to typhus danger at that time. The concentration camps, however, were definitely in danger. The witnesses from Natzweiler who testified here, Holm and Grangend, told us in detail that a typhus epidemic had broken out there and that the persons who were vaccinated by Haagen definitely benefited from this vac-

cination. None of these persons fell ill of typhus and it is upon that that he bases his assumptions in his report that the anti-infectious immunity had been proven. The witness Grangend emphasizes, on page 1145 of the record, that the persons who had been vaccinated with other vaccines in the camp had fallen ill to a considerable extent.

Q. How about the voluntary aspect during such test vaccinations?

A. Since I never learned any details about Haagen's work, I naturally cannot say whether he asked these persons for their permission. In itself it is rather probable that in an endangered atmosphere as was the case in a camp the persons there would undoubtedly volunteer to be vaccinated against typhus. It becomes, however, clearly apparent from the correspondence that the experimental subjects were somehow or other designated. Obviously that can be explained by saying that one could not from the start determine how strong the vaccination reaction would be. I personally would not have any misgivings in forcing people to submit to such vaccination, because in the German Health System we are quite used to the compulsory application of vaccinations of human beings. We have legal compulsion in the case of smallpox vaccination. In the case of the Wehrmacht we have the protective vaccinations against typhus, cholera, and so forth, which are compulsory on the basis of a directive, and we have the same thing on the basis of the labor service. Nobody could withdraw from any such vaccination by refusal.

Q. Is that also true abroad, are there compulsory vaccinations there?

A. The legislation of the various countries differ in this field. There are states who have a certain conscience clause, but there are other nations who know of an absolute legal compulsion for vaccination.

Q. In order to revert once more to the Haagen vaccine, did he actually carry out this series of experiments, I mean the series of experiments which is mentioned in the letter which you have read before?

A. As far as I am informed, no. He never came back to that subject, and he never sent a report about it.

Q. How do you explain that?

A. The reason, according to the documents available, must be the following: We know from the correspondence between Haagen and Hirt that Haagen was not at all satisfied with the health conditions

of his experimental persons, and that therefore his experiments were delayed. It also becomes apparent from his publications that in the meantime he had succeeded when carrying out his further work to bring about the alleviation of the vaccination reaction in the case of the living avirulent vaccine by keeping the dry vaccines in store for a period of two months. By applying this procedure he no longer had any serious reactions. That, of course, killed his interest in the Copenhagen vaccination completely. Haagen then continued to work. He used this method which had been successful in the case of a murine rickettsia and in the case of the rickettsia prowazeki too. He produced a vaccine which was produced along the same method from rickettsia prowazeki. This vaccine too was tested as to its reaction on human beings, and by applying this series of experiments he realized a thought which he expressed in the correspondence of December, 1943, and discussed for the first time with me in the case of the murine vaccines. As one can see from his papers he was then carrying out double vaccinations. A number of persons were only vaccinated with the dry vaccines, and then there was a control group which was vaccinated with the dead vaccine, namely the vaccine, according to Gildemeister and Haagen, and then he used his new dry vaccine from living avirulent prowazeki rickettsia. Then he only tried to alleviate the vaccination reaction. He limited himself to a single infection of the dead vaccine, whereas in the case of a normal protective vaccination against infection one always carried out a vaccination which included three injections. Since this dry vaccine which he used afterwards had been produced from rickettsia prowazeki, he did not use this Copenhagen vaccine for the purpose of prevaccination, but the dead vaccine, according to Gildemeister and Haagen.

Q. I have another question referring to the complex of Haagen's vaccines; I refer to the document of the Prosecution NO. 128, Prosecution Exhibit 307. This is to be found on page 97 of Document Book 23. This letter is signed by Professor Luxenburger, the

commander of the lecture group "Science and Research." Professor Schroeder stated here that you must have had knowledge of this letter, and that you had written the draft. Is this statement correct, and I ask you to reply to this question as briefly as possible?

A. It is correct that I know of this matter. It is only partially right that I made the draft of this letter. This paper was submitted to me for my attitude, and I still remember it today. My entire description of Haagen's work is based upon the knowledge of this paper. We are here concerned with a second report, but there was already a first report. At that time I wrote my attitude on this paper from many points of view, rather I wrote my attitude at that time, my opinion, which amounted to a number of pages. It was done in great detail since the original report was so short it did not allow me to gain a clear picture as to how the actual procedure was carried out in the individual series of experiments. The reason for this short publication was found in the regulations of War, which limited the extent of any publication. Unfortunately the commander, Professor Luxenburger, did not take over my explanations, since he as you probably to, was an opponent of any long and detailed descriptions. On the other hand on the basis of my report he wrote this short opinion, but that did not make the matter any clearer and this is the best example as to what the result is, if you are trying to abbreviate these matters, especially since the writer was a psychologist and not an immunity researcher. In the case of this paper we are concerned with a further step of Haagen. This time he suggests a pre-vaccination with his living avirulent murine vaccine which he had developed to such a point where it no longer created any reactions. Afterwards he carried out a second vaccination with his dry vaccine from living avirulent prowazeki rickettsia, which paper describes here that the first vaccination had no reactions, and that in the case of the second vaccination very strong reactions occurred. Only a few of the persons who were

vaccinated had no fever at all. Most of them experienced high fever which took a number of days, and in the case of some of them temperatures went up to 40 degrees. This is a very violent reaction, which is only equalled by the plague vaccination reaction, and as to its duration is even a longer time in the case of plague vaccination reaction. At any rate this reaction was purely limited to fever and headaches, and the characteristic symptoms of typhus were completely missing. There was no exanthem, there was no disturbance of the heart and no cerebral symptoms. Naturally, there were no fatalities. The blood examination of the vaccinated person after a period of a few weeks gave a high type of value in the case of Weigel-Felix reaction. I described this reaction yesterday. It was carried out in the case of typhus illness and also after typhus vaccinations, including typhus vaccinations with dead vaccines. It does not offer you any measure as to the grade of immunity, but at least is an indication that specific events occurred within the body. In the work the serum titer of the vaccinated person are compared to the serum titer of a number of sick persons, who naturally fell ill in Natzweiler within the framework of the typhus epidemic.

It is emphasized in this paper that no illness occurred among the persons vaccinated, and this, it was said, had proven the entire infectious immunity. The serum Titer in the case of the sick persons was much higher than in the case of those persons who had been vaccinated. Objections to this paper refer to the following points;

First that the reaction was not described in the usual manner by average fever charts, but a mere statistical chart was given, which could not easily be surveyed.

The second objection is, that in this statistical chart the two methods used for vaccinations were not distinguished so that the reader could not see exactly how the reaction was in using one method and what it was to the other.

Thirdly, it was objected that of the persons who had fallen ill of typhus in this camp epidemic, no fever statements are made, but only the results of the blood examination are stated, and these are the people that Luxenburger in his paper here describes as control groups.

Haagen, as far as I remember, answered to these objections in the following manner:

First, the fever course in typhus was well known. One could see it any text book. It was not necessary for him to repeat it once more in his paper. In addition, the fever charts of these sick persons were not at his disposal because they were not his experimental subjects, but were patients from camp where he only carried out a blood examination, and those two reasons are quite understandable.

Q What was the final result of these Haagen experiments?

A For once he emphasized that in the case of his vaccination such high titer values according to the Weigl Felix value reactions were achieved, as was not the case in any other dead vaccine. He further emphasized the immunity against infections, because his vaccinated persons did not fall ill during the camp epidemic. Thirdly, he said that his vaccine was not yet suitable for practical application

because the vaccine reaction was still too strong.

Q Why did the Medical Inspectorate of the Luftwaffe ask Mr. Haagen in the letter of 29 August 1944 on page 99 of Document book 12, this is Document of the Prosecution NO-131, Exhibit No. 309, whether the typhus epidemic in Natzweiler was in any way connected with his vaccine experiments?

A This request is based upon my initiation; the work which I just described and the report by Haagen of 21 June 1944 regarding the Natzweiler epidemics were simultaneously available. I was suspicious: In the case of the development of all vaccines from living avirulent germs, the main worry always is that the vaccines in their application on human beings will quickly regain the virulence they already lost. This worry can always be seen when discussing all these vaccines; that was the case with the Jenner small pox vaccine, and we have the same result with the plague vaccine, according to Kolle, Otto and Strong. We still discuss it today in the case of Calmette vaccine. I had exactly the same worry in the case of this new typhus vaccine; and when discussing influenza vaccines for instance, I again expressed that worry as one can see according to the Document by Bieling.

I therefore recommended that one should ask whether this epidemic started as a result of the vaccinations and this one can see under Figure 3. This inquiry was clearly answered in the negative by Professor Haagen, which can be seen in the next Document on page 100, Document No. 132, Exhibit No. 310 in Document Book No. 12.

Q Now, Professor Haagen, in a further letter dated 27 June 1944, addressed to Professor Hirt, says that in a control group for further experiments illnesses are to be expected in the case of non-vaccinated persons. This is in the Document book 12 on Page 96 of Document Book 12, Document NO-127, Exhibit No. 306; would you please look at that letter and explain it to the Tribunal?

A This letter by Haagen, in my opinion, is the only serious Document contained in Haagen's complex. I must emphasize that I am

in a rather difficult situation here. I have to explain letters written by other people, letters which I have never seen before and about the background of which I have no knowledge at all. In addition, I only have a fraction of this correspondence available and by no means the entire correspondence.

Haagen never reported about any such intentions to the Medical Inspectorate of the Luftwaffe, he never reported about the execution of any such experiments. In this letter, addressed to Hirt, he thinks for the first time to include non-vaccinated control groups in this experiment.

I have tried to explain this letter in the following way giving due reservation to whatever Haagen may have to say in this connection. This is an attempt on my part, because Haagen is not here and it is by no means an explanation from my own knowledge: Haagen says expressly that he was planning this parallel group because he wanted to clearly prove the effectiveness of his vaccine against infections; he wants to clearly establish that. He obviously is of the opinion that his earlier experiments have not brought a clear proof. The earlier experiments were based upon the blood examination and the examination of vaccinated people who had not fallen ill during the epidemic. This assumption, from a purely scientific point of view, is absolutely correct because these two facts alone did not constitute a clear proof, although they had a large degree of probability on their side.

One must assume then, as long as one does not know the real plan of the experiments, intended by Haagen, and we have no clear plan of the experiments, that he had to take into consideration, insofar as the experience he had so far, that he would now succeed to apply an avirulent living vaccine without any subsequent reactions. Also that this time he wanted to test the success of his procedure by afterwards infecting someone with virulent virus as Blanc, Balthasar and others did, and as it was carried out during typhus experiments in American prisons during the war.

Q. Did he not have to expect any fatalities in carrying out such experiments?

A If a bungler would carry out such a series of experiments, naturally, yes; but we are concerned with the best known virus research worker in Germany. In his letter there are contained two points, which enable the hygienist to guess what he planned to do with this control group. It becomes noticeable that this control group, as he called it, or parallel group, comprises fifty persons. Now we know from the Buchenwald series of experiments that in the case of infection control of typhus ten persons are sufficient. Even Ding at the most took twenty persons for his experiments. Therefore, Haagen must have some reason to select a large group like that. Secondly, it becomes noticeable that in this letter he only writes one has to count on people falling ill, but in an infection controlled with typhus fatalities are to be expected with a certainty. Haagen says nothing at all about that possibility. Considering the progress of the typhus research at that time one has to conclude with all probability that Haagen was perhaps planning the following thing:

We knew that the dead vaccines gave no certain anti-infectious immunity, but a very reliable anti-toxoid immunity. Therefore, on the basis of this letter, one can explain the experimental plans by considering that the 150 persons were to be treated with this new vaccine, whereas the parallel group was to be treated with a number of old vaccines, of which it was known already that their effectiveness was only limited. If in such an experimental series he was carrying out subsequent infection with virulent viruses the following was to be expected: No illnesses, or very few illnesses in this group which were treated with vaccine from living avirulent viruses. On the other hand illnesses in the non attenuated form as they according to experience so far when using dead viruses, that is exactly what is contained in this letter by Haagen to Hirt. As I said before, this is merely an assumption and it is quite possible Haagen intended something different. This is not the only possibility.

Q Did Haagen report this experimental plan to the Medical

Inspectorate of the Luftwaffe?

A No, he neither reported this experimental plan, nor any other experimental plan.

Q Haagen is expressly speaking of one group that was not vaccinated?

A That is correct. It says so here, but in the case of his letters one has to take into consideration he is addressing laymen. He is obviously answering a question which was put to him, namely, whether illness could occur, namely and that meant, of course, a deficiency in labor, that he uses the expression "non vaccinated group" towards the laymen in order to designate the parallel group which has only an anti-toxoid immunity is quite imagineable. On the other hand, it is not imagineable that he did not mention the possibility of fatalities as it would have been unavoidable if he was actually infecting persons who were not at all protected.

Q How could Mr. Haagen plan or carry out any such experiments without the knowledge of approval of the Medical Inspectorate of the Luftwaffe? He was an Oberstabsarzt of the Reserve of the Luftwaffe and consulting Hygienist with the Air Fleet Reich?

A Yesterday, I have explained the double position of Haagen in detail and I naturally wouldn't want to repeat that now, but I would merely like to point out a number of facts which were not mentioned yesterday. Haagen, for instance, as an air force officer, could not have been in a position to obtain assignments from the Reich Research Council without the permission of his superiors. No air force officer could carry out independent negotiations with the Reichsfuehrer SS or any other SS agency, in particular, not at all about his Luftwaffe activities. The director of the Hygienic University Institute on the other hand was in a position to do that, and the files and documents show clearly that Dr. Haagen made full use of his independence as a University Professor. He received monies for the direction and the building of his institute from numerous agencies

which really are not inter-connected at all. He independently negotiated without asking anyone about experimental subjects by using the official channel Ahnenorbe, and then the Reichsfuehrer SS. Whenever he deems it suitable he plays one agency against another. He demands further monies from the Reich Research Council with the indication he would return to the Luftwaffe if he did not receive that money and another example he invites a Japanese Oberstabsarzt Kobayashy in order to inspect his institute. Naturally, no medical officer would invite any foreign officer to inspect his medical institute without reporting that to the medical inspectorate and receiving their approval. If one does not take into consideration the independent position of Haagen as a University professor one could not possible understand the examination of Haagen at Netzweiler.

Q Couldn't the Luftwaffe exercise any influence on Haagen's work on the basis of that research assignment?

A Well, there would have been one possibility, namely, the medical inspectorate could have transferred him. The result would have been a telegram from the director of the University to the Minister of Education, to the effect that Haagen should finally be declared indispensable, and as director of the institute he was indispensable. According to official channels the Luftwaffe could exercise no influence on research assignments, that is by order, through official channels. The medical inspectorate throughout the years had tried to persuade Mr. Haagen to use the monies which were made available for the purpose of producing vaccines. In spite of that one did not succeed throughout the years to bring him to do that. If any military subordination had existed there would have been a clear order which would have had to be carried out. These were negotiations which were carried on throughout the years. I already explained and the document 297 shows what the real tone was, that is , Book No. 12, page 112.

Q The medical inspectorate did have the possibility to stop

these research assignments and by that exercise pressure on Haagen's activities?

A That, theoretically, of course, is possible. Mr. McHaney has made similar utterances here and said that if Haagen did not receive any more funds from the Reich Research Council he would have had to stop his work, but if one assumes that one displays ignorance about scientific institutes in Germany and what the situation was. If the Luftwaffe couldn't pay, then an application was made to the Reich Research Council, and if the Reich Research Council didn't offer their assistance, one could turn to the Ahnenerbe, and if the Ahnenerbe too rejected its assistance, one could turn to the Eastern Ministry, to Mr. Rosenberg. There are many more possibilities. Who knows Haagen, knows also he was well aware of all of these possibilities and was exploiting them for the extension and use of his institute. In one point there was only one agency which could not be circumvented. Whenever he wanted experimental subjects from concentration camps he could not manage to get them without Himmler's approval, not even connections with Hitler would have helped him there. Haagen's channel to Himmler is easily recognizable from the documents. It leads over Hirt whose official position is not known. Hirt is here being mentioned in the decrees of the Reichsfuehrer. Of course, as a Luftwaffe officer Haagen could not choose that channel. If as a Luftwaffe officer he would have worked in a concentration camp the negotiations would have had to be carried out over the medical inspectorate, and examples are available as in the case of Professor Holzloehner and Hippke and we also have the matter of the sea water experiments.

Q These possibilities which you have just described, aren't they in contradiction to a central steering of research work?

A Naturally, but this central steering of medical research work in Germany is a phenomenon which only came to life one and one-half years after the War. As it really applies to the War becomes evident clearly from the documents. The best example is Rascher. After Rascher had brought the Luftwaffe into contact with concentration camps misgivings arise with Professor Hippke on the basis of a report he received from Holzlochner and other persons. Hippke tries now to transfer Rascher to another agency. Rascher who already belongs to the General-SS succeeds in getting himself transferred to the Waffen-SS, and then when the Reichsarzt-SS wants to take him under his wings he gets affiliations with the Ahnenerbe in order to retain the direct channel to Himmler. You find these skillful and calculating researchers in the files of any office who carried on research at all, but not because these agencies worked according to a common plan but because they were not coordinated and because the possibility existed to play one against the other.

Q Didn't that become known in the course of the War? weren't attempts made to remove this faulty situation?

A You can recognize starts that were made in that connection, but recognition came much too late and a success was not achieved, and that was clearly described by Professor Rostock here. Then you have the basic difficulty that any research work can, in reality, never be centrally steered. The initiative for a research is always to be found in the individual, in the researcher himself. This is a natural law, and no political system can alter that. Even in the smallest circles one gains the experience that an older scientist who knows something about his work cannot easily be steered by orders and always wants to carry out his own ideas.

Q I have another two questions with reference to the letter which we discussed this morning, the letter from Mr. Haagen to Hirt,
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dated 27 June 1944, Document of Prosecution NO-127, page 94 of the English Document Book, 96 of the German Document Book. Did you ever know whether these experiments after they were planned were actually carried out?

A I said that neither the planning nor the execution ever became known. From the period of time involved one can see the following: The letter to Hirt is addressed 27 June 1944. From Haagen's report dated 21 June 1944 it becomes apparent that the typhus epidemic in Natzweiler was still going on then so that he was not even in a position to vaccinate against influenza. Any such epidemic has to stop before one can start any new work. The witness Holl has testified here that no one could either enter or leave the camp at that time. Even if on the 21 June 1944 the last case of typhus had occurred in Natzweiler, which it is highly improbable. Mr. Grandjean says the epidemic lasted until July. The normal quarantine in the case of typhus lasts twenty-eight days.

MR. HARDY: May it please your Honors, a typical example is this last question. This could have been answered with yes or no and the defendant spent three or four minutes arguing the question which could well be included in their closing or summation. I think the Tribunal should suggest that the witness testify rather than argue.

THE PRESIDENT: The point raised by Prosecution is well taken. The Tribunal has been very patient of the witness, but the witness continues to argue matters instead of answering directly and briefly. The witness should be advised that matters of argument may be presented to the Tribunal in due time by his counsel with the assistance of the witness. Argument prepared in proper brief based on evidence is much more effective than argument from the witness stand. The Tribunal instructs the witness to answer the questions directly as possible without argument. Counsel will endeavor to propound his questions that they may be so answered.

Q Professor, you heard what the Tribunal has said. I ask you to act accordingly.

A I know personally that Professor Haagen in August 1944, has left Strassbourg in order to find an evacuation spot. Mr. Holl testified to that, too.

Q Mr. President, In that connection I offer the Rose Document No. 28 which is to be found in Rose Document Book II on pages 62 to 67. I offer it as Exhibit Rose No. 30. This is an affidavit by the physician Dr. Wilhelm Cordin. I should like to read part of this affidavit. I am reading the third paragraph on page one of that document.

"During the war, i.e. since 1941, I was a medical officer of the reserve with the German Luftwaffe. After having been used at first as a medical field officer I was assigned to the Hygiene Institute of the University Strasbourg in February 1944 for hygienic bacteriologic training. Here I was almost exclusively concerned with work on hepatitis (mice passages and demonstration of the virus in mice organs) under Professor Haagen until the Allied troops occupied the town on 23 November 1944.

"Before being detached to Strasbourg, I was officer for special assignment with Luftwaffe physician Mitte in Berlin-Dahlem for about 6 months. Although during my service in Berlin I did not meet Professor Rose personally I repeatedly heard about him in his capacity as consultant hygienist of the Luftwaffe Medical Inspectorate, so that even at that time the name Rose meant something to me."

Then I shall skip a few paragraphs which are concerned with hepatitis and on page 3 of the document, on page 64 of the document book, I am continuing with the last but one paragraph:

"Although I myself was not concerned with typhus work I know that Professor Haagen worked on the development of a typhus vaccine from living avirulent typhus organisms. It was also provided that

typhus vaccines should be produced in large quantities at the institute. In order to make this possible, constructional alterations at the institute had already been started.

"I also know that Professor Haagen vaccinated inmates of the Natzweiler concentration camp with his new vaccine. I never heard, however, of him artificially infecting prisoners with typhus. At some later occasion Professor Haagen told me that typhus had been carried into the concentration camp Natzweiler from outside by a transport of prisoners and that subsequently a typhus epidemic broke out in the camp. He emphasized that several cases of death had occurred but that none of the convicts treated with his vaccine had contracted the disease.

"During my time in Strasbourg I heard that Professor Haagen formerly, i.e. before I came to Strasbourg, conducted experimental vaccinations with his influenza vaccine produced from live weakened influenza virus, on part of the staff, including the physicians, of a Strasbourg clinic. The persons of the clinic in question stood these vaccinations without any strong reactions.

"Since I met Professor Haagen only during my time in Robert Koch Institute, I know, however, that he collaborated with Professor Gildemeister. I never heard of any participation of Professor Rose in the typhus research work at the Robert Koch Institute. As far as I know, his name was not mentioned in Strasbourg, either in connection with the work of Professor Haagen.

"Owing to the air raids and the approach of the front Professor Haagen since about the middle of August 1944 directed his efforts towards a partial evacuation of his institute from Strasbourg and travelled about in order to find an evacuation location. On 25 August or 1 September 1944 there was a phone order to start preparations for the evacuation of part of the institute. The telegraphic order arrived on 5 September 1944.

"On 25 September 1944 the building of the institute was heavily damaged by bombs. There were 4 dead: Dr. Eckstein, Inspector Meyer, the laboratory assistant Schulze, and a young girl from the Research Department.

"On 16 October 1944 Professor Haagen returned to Strasbourg for several days. It was his last stay in Strasbourg. I do not remember the exact date of his departure. From August to 16 October 1944, at any case, Professor Haagen was absent from Strasbourg without interruption.

"It is completely out of the question that experiments on humans could still have been conducted in Natzweiler or Schirmeck after the above mentioned evacuation measures had been started.

"During my time in Strasbourg I have not seen Professor Rose in that city.

"On the basis of my knowledge of Professor Haagen's personality, especially in consideration of his ambitions, I think it extremely improbable that he could have allowed Professor Rose to obtain a deeper insight into his research work."

It is not necessary for me to read the rest of that document since it deals with a different matter.

THE PRESIDENT: The Tribunal will now be in recess.

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THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION - Resumed.

BY DR. FRITZ:

Q Professor, according to your testimony, you had no knowledge of these plans of Professor Haagen and as far as you know Professor Haagen did not report these plans to the Medical Inspectorate of the Luftwaffe; assuming the hypothetical case that the plans which Haagen told Hirt were officially reported to the Luftwaffe by Haagen; what would you have done in this case?

A If this plan had been reported to me, I had seen anything objectionable in it -and this formulation of the letter would certainly have seemed objectionable to me-then I would have expressed my misgivings to the Medical Inspector and above all asked that the state of affairs be cleared up. If it had then been discovered that my misgivings were justified, then the medical inspector would probably have objected. But, as in the gripe meeting on which Bieling reported Handloser, after I had expressed my objections to influenza vaccinations, said: "Very well, the vaccination is to be carried out, but I don't want these infections." That would probably have been the same.

Q Now, you had knowledge of the fact that Mr. Haagen, in his capacity as director of the Hygiene institute, was negotiating independently with an SS agency about vaccinations in the concentration camps this is shown by your letter of 13 December, 1943, which is on page 82 of Document Book, 12, this is document of the prosecution No-122 Exhibit 298; didn't this make you wonder?

A No, it did not make me wonder at all. I have said that I knew what vaccine problem Mr. Haagen was working on, but that was a completely unobjectionable matter. The fact that he was vaccinating people in concentration camp was no occasion for me to object, because the concentration camps were in no more danger than anyone else from typhus and that an SS agency was competent for the concentration camps. I did not know, but I assumed it.

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When I dictated my answer, I apparently quoted superficially from Haagen's letter, experts later told me that there was no such office as SS Main Office, SS Hauptamt, but obviously it was the WVHA which was meant, but I did not know these details. I merely repeated what Haagen's letter must have said.

Q Professor, yesterday you told the Tribunal that you were active in combatting typhus, but that you had nothing to do with typhus research, you referred to your publications on typhus at various points, but in 1944 in Basle you held a big lecture about typhus and malaria.

Mr. President, I have this lecture of the defendant Rose in my Document Book 2, it is on pages 27 to 54. This is Rose Document No.25, which I submit as Rose Exhibit 31. I do not intend to read any of this, but I should nevertheless like to ask Professor Rose to state whether anything was said here about typhus research?

A This lecture very clearly shows what my own field of work was. I gave a general survey of the state of the fight against malaria and against typhus on 17 February 1944. I took these two subjects together because through my field of work, through the new DDT preparations were connected diseases these very different. If one is invited as a guest to lecture to a foreign society, then listeners want to know about all the results of the work of the lecturer personally, so I gave this. This shows that I had nothing to do with the development of vaccines. I dealt with this subject briefly. No work of my associates or myself on this subject is mentioned, while in the field of the development of DDT preparations, my associates and my own work are constantly quoted.

I dealt with vaccines on the basis of papers written by other authors. Moreover, I gave exactly the same explanation as I give now before the Tribunal; there is no essential difference between what I said three years ago and what I say on the witness stand. In this connection, I refer to page 29, the third paragraph, until page 32 the first paragraph. Of course, I do not intend to read

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this, but one can check up with this old essay, to see whether, I represented the same point of view at that time as I have represented the Tribunal here. Specifically, I refer to the first paragraph on page 32. In February of 1944 I said that vaccinations against typhus with attenuating living virus is still a field for research and has not been satisfactorily settled yet. That is the sentence which proves clearly that I had no knowledge of what happened in the Buchenwald camp, in addition to what I have reported here.

Q Could this lecture in Basle be the same one for which the SD wanted to institute proceedings against you as a traitor?

A Yes. That is the same lecture, which I gave in May 1944 in Ankara in much more detail, and I was speaking to Turkish medical officers on this subject for several days. From there my lecture reached Moscow, from Moscow the German intelligence service received knowledge of it, and since these matters were considered important in Russia, I was to be tried.

Q Was the trial actually carried out?

A No, as Handloser and Schroeder have testified here, my superiors and Professor Handloser protected me.

Q Did you in your lecture deal with such new things that one could speak of treason?

A The use of DDT preparations in combatting epidemics was quite new at that time. Before that lecture there was not a single article in the literature of all countries about the use of DDT in combatting epidemics, even the Swiss holders of the patent did not realize the significance of this preparation at that time. The Basle scientists, a few days later, send my lecture to the international Red Cross, it was also sent to America, it was translated into French.

Q Then the SD was right in its charge of treason?

A No, certainly not. The medical profession has the great privilege, even in time of the wildest war hysteria of remaining

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neutral. The military doctor knows no distinction between friend and foe. I consider it a misleading slogan in medical research if one speaks of research for the Wehrmacht; it is research in the interest of the medicine, that is research in the interest of all man kind. Typhus does not distinguish between soldier and civilian and malaria mosquitoes do not distinguish between democrats and national socialists. The vaccines, which were tested in Buchenwald were intended for the German medical personnel, but they were also given to the Soviet medical personnel in prisoner of war camps, and beginning in 1943 the medical inspector of the Luftwaffe gave his instructions for troop physicians, especially pointed out the needs to the Soviet personnel, and orders they also were to be vaccinated, although we did not have nearly enough vaccine to vaccinate all of our own men; the medical personnel and doctors in Prisoner of War camps were of course in a greater danger, therefore they had priority on vaccinations before our own soldiers. This same standpoint was held in research. If we discovered something, it was made public, and it was published abroad without any consideration of whether the military medical service of some other country might find therein a new remedy. The medical service always remains neutral.

DR. FRITZ: Mr. President, what the defendant Rose just stated about the vaccination of Soviet prisoners of war is shown by Rose document No. 26, on pages 55-56 of Rose Document Book No. 2. I have already submitted this document yesterday as Rose Exhibit No. 19. On the second page of this document there is the figure 26 in the Instructions for troop physicians. I should like to refer to this paragraph without reading it. This proved the correctness of what Professor Rose has just said. I have one more question about this letter of the 13 December, 1943. The document book 23, page 82, that is Prosecution document 122, Prosecution Exhibit 298, the letter to Professor Haagen. Cannot this letter be interpreted to mean that you as Oberstarzt gave him, as Oberstabsarzt, an order?

A. During the war in addresses and signatures we generally used our military rank if we had any; to Dr. Haagen, as well as to all other experts I sent my reports about the Copenhagen information. He inquired from me in a private letter and received from me a personal answer without any file note, without any characteristic of an official letter. The correspondence would have been exactly the same if Mr. Haagen had not been in the Luftwaffe, and if Geheimrat Otto, a civilian agency in Frankfurt, and Dr. Haas, from the industrial laboratory, and Mr. Eyer from the Army, had sent a similar private letter to me. It was not an official letter.

DR. FRITZ: Mr. President, I had intended to ask the defendant Rose various questions about the testimony of witnesses, for example, the witness Edith Schmidt, the witness Hirtz, testimony which these witnesses gave about the alleged experiments of Professor Haagen in the concentration camp Natzweiler and Schirmeck, and in the interest of hastening proceedings, and in case the Tribunal agrees, I should like to reserve the right to present the expected answers of the defendant Rose to the Tribunal in writing, and then I could conclude the subject of Haagen and go on to malaria, which is the final item of the Prosecution.

THE PRESIDENT: How long will your examination of the witness

on the stand in the connection of the testimony of these other witnesses, how much time would that take?

DR. FRITZ: I would probably not finish this morning.

MR. HARDY: Would you have the defense counsel state his proposition again? I don't think I heard it clearly.

DR. FRITZ: I wanted to ask the defendant Rose a few questions now dealing with the testimony of various witnesses, for example, the witness Hirts and the witness Edith Schmidt, the testimony of these witnesses about the alleged experiments of Professor Haagen in the concentration camps Natzweiler and Schirmek, but I would be willing in order to shorten the proceedings to submit the statement to the Tribunal in writing.

THE PRESIDENT: Counsel, when could you submit that written statement?

DR. FRITZ: Very soon, in a few days, I believe.

THE PRESIDENT: Of course, counsel for the Prosecution should have an opportunity to cross-examine the witness upon that statement.

MR. HARDY: I might add, your Honor, from my knowledge of the testimony of the witness mentioned, that any points which the defendant would bring out would be in the way of an argument and I think it might be well for him to submit the affidavit, and if we determine after we see the affidavit, that we want to cross examine on any points thereafter we can recall him to the stand.

THE PRESIDENT: That will be satisfactory. Counsel for defendant Rose may prepare that statement in writing and submit it to the Tribunal and the counsel as soon as possible.

WITNESS:

The Prosecutor was quite right. It would essentially be an explanation of the testimony. There was only one factual question, that was whether the witness Schmidt and or Inspector Meyer of the Strassbourg institute when I visited the Institute at Strassbourg informed me in any way that they had any suspicion of Professor Haagen, that he was conducting any illegal experiments, and this factual

question I must answer with no, neither Miss Schmidt nor Inspector Meyer said a word to me about that, although both of them would have had an opportunity to do, especially Inspector Meyer, who talked to me for some time. He was a rather experienced animal breeder, and I was especially interested in these matters because very many methods of breeding were used which were unfamiliar to me; and during this conversation Professor Haagen was not present. Mr. Meyer would have had an opportunity, if he had had any misgivings about Haagen, to express them to me at the time, but he did not do so.

BY DR. FRITZ:

Q. Now, I go on to the final subject. Here Professor Rose is charged with special responsibility, that is with malaria. In the written indictment Professor Rose is not charged with special responsibility, but the Prosecution has charged the defendant Rose with special responsibility orally.

Would you first tell us Professor what your own professional connections with malaria were?

A. My first contact was involuntary as a prisoner of war in Algeria in 1915. I myself contracted malaria. The modern remedies were not yet known, and I suffered from malaria for several years. This experience and the cases among my acquaintances aroused special interest in the disease. The first practical cases of that type I saw in my years at Basle.

Q. When did you begin to deal with malaria scientifically yourself?

A. When I was called to China in 1929, to a part of China which is in the sub-tropics. Malaria immediately became one of my main duties. The first assignment which I received was to combat a malaria epidemic in a famine area. Then I helped introduce a synthetic preparation, plasmochin. The main work in this field had already been done at that time. Then when atebrine was introduced, which has played a big role again during this war, I worked from the very beginning in the introduction of it. I worked out a form of this

preparation together with an English doctor. I tested it for the first time at Singapore.

Q. Did you work on other questions besides that of the treatment of malaria?

A. Combating malaria also played a great role in my work. Papers on the subject are contained in my list of publications, and I also worked on the malaria mosquito carriers of malaria, but I did not publish anything while I was in China because I did not have anything new and I only used known methods.

Q. Did you study specially in this field?

A. I attended a course for several months given by the Far Eastern Bureau, the section of hygiene of the League of Nations for senior medical officers in the Far East. I visited the main malaria areas in British Malaya and Java with the help of the League of Nations and I met a number of leading malaria scientists of the Far East during this.

Q Did you study malaria beyond that abroad?

A On all of my study trips, which I mentioned, I always devoted special attention to malaria, I visited institutes and experts; and when I travelled in North America I also visited these institutes. The two tropical medical chairs which existed in America at that time I also visited.

Q Did you learn anything about human experiments on malaria at that time?

A Not in the sense of this trial. I only visited institutes then at which experimental malaria research was carried out concerning therapeutic infection of the insane. The malaria experiments concerning which Dr. Servatius submitted documents here obviously were started later.

Q Now, what you saw on your trips about malaria research, did that influence you in your own work in any way?

A Of course. That was the purpose of my trips. They were study trips. When I returned from China to the Robert Koch Institute and made a plan of my future work, I listed experimental work on malaria. Up to then I had merely read in literature about such experimental work and now I wanted to do something similar in the Robert Koch Institute to what had been done abroad.

Q Where do such institutes exist which deal with malaria experiments on human beings?

A The best known are two American ones I visited in Tallahassee and New York, and a very famous one is an English one in Horton. Then there is a French one, and one in Italy, Istituto Superiore di Sanita Publica, and another one in Rumania supported by the League of Nations. Those are the most important ones, but there are others.

Q Now how was your malaria work in Germany done?

A I think the simplest thing would be to refer to Documents 10, 11 and 12, which have already been submitted, in Rose Document

Book I. I do not, of course, intend to read everything that is said about malaria, but perhaps I may point out briefly to the Tribunal where these things are to be found. In my work reports many other tropical diseases are mentioned. In Document 10 there are reports about my malaria work under VII on pages 5 of the document, page 36 of the Document Book - Experiments and Parasitology, malaria remedies, malaria mosquitoes. And this goes on to page 39. Then Document No. 11, on page 46, which is page 2 of the document in the lecture of Professor Gildemeister at the reorganization of the Robert Koch Institute my malaria work is mentioned and, perhaps, I may quote here what he says about the purpose of this new beginning of malaria work. That is about seven or eight lines down - he speaks about my anopheles colony.

"With the aid of this colony it was possible to place mosquito sting infections for malaria treatment of paralysis at the disposal of psychiatric clinics, so that the necessity of cultivating malaria cultures ourselves in patients was avoided. Moreover, by this mosquito sting, a malaria reliably free from syphilis could be placed at the disposal of internal surgical and children's clinics for the treatment of non-syphilitic diseases."

Then in the same report on page 4, page 48 of the Document Book, the culture of my malaria strains is discussed. I may emphasize that strain Rose, mentioned in this trial, is never mentioned in this report. Then diagnostic examinations are discussed, experiments on artificial infection of mosquitoes, artificial feeding of mosquitoes, then work with conserving and culture of malaria parasites, and investigations about anophole, with an electro-microscope on sporozoites, then questions of malaria prophylaxis and malaria treatment. Then malaria in resettlement, and finally, clinical work on malaria done by one of my associates. That is all explained in detail, and I should be grateful if that were examined carefully.

Then I go on to Document 12, page 61 of the Document Book, page 1 of this document. First it is said that the shipment of infected anopheles has to be changed from mail shipment to courier shipment.

This shows that the shipment of infected anopheles was a normal thing in my department; it had such great extent that even such a technical change is mentioned in the annual report. Then on page 4 of the report, page 64 of the Document Book, the passages are reported on, the number of patients infected, the nature of the experimental subjects is mentioned - paralytics, schizophrenics, and other types of sick people. Clinics and other institutes are mentioned with which my department collaborated. Then individual scientific observations are discussed. Then on page 66 I may refer to the second paragraph from the end. It says that the work had to be interrupted because the Eberswalde sanatorium was used as an evacuation hospital. The work was continued by the Luftwaffe fever therapy section. This point will come up for discussion later.

Then on page 67, I should like to point out briefly, where there is mention of human experiments of a pharmacological nature on 22 persons. I want to say right now, so that I don't have to be asked separately, that these experimental subjects were Luftwaffe soldiers. The tests were carried out in Luftwaffe hospitals in Berlin and Austria, by an assistant doctor of the Luftwaffe who was writing his doctor's thesis under me. The next pages deal with clinical work with mosquitoes. Then work on contact poison, that is DDT preparations. This more or less covers the malaria work in this document. These three documents, at least on the negative side, show that there was no collaboration with Professor Schilling. These reports mention a number of doctors and agencies with which I had collaborated in the field of malaria. Arnsdorf Institute was mentioned, Eberswalde Hospital, Doctor Sager is mentioned, Dr. Kierkut is mentioned and Dr. Mertens. There are a number of other names which you find there, but the name of Professor Schilling you will not find, although he would have had to be mentioned just like the others, if there had been any collaboration; because at the time when these reports were written and printed no one had imagined War Crimes trials.

Q Well now, these annual reports show that you were in contact with a large number of insane asylums and clinics in this field of your work. Did any individual institution play an especial role?

A I worked above all with a Saxon psychiatrist who had a special reputation on fever therapy among psychiatrists. He is mentioned in the big book by the discoverer of the practice, Wagner-Jaurek, and he always held a leading position in this field in Germany. Then I worked in an insane asylum near Berlin where I had an assistant of my own at the Insane Asylum. The other institutes and clinics merely obtained the malaria from me, and all they did in return was to send me the case histories when the malaria treatment of the patients was finished. These were also infections for therapeutic purposes and I evaluated the case histories from point of view of study of malaria.

Q Was your work interrupted by the war?

A This work was considerably interfered with by the war. The insane asylums had to give up many beds for purposes of general hospitals. Consequently, patients who were under my treatment, were suddenly transferred. Worse than that, because of the air raids, many big city hospitals had been evacuated altogether either because they were destroyed by air raids or because some were evacuated by way of precaution so that the helpless patients would not be exposed to air raids.

Q And what were the consequences of these conditions for you?

A This finally led to a concentration of all my work on one institution, the insane asylum at Pfaffenrode, which was the subject of the case of the prosecution. There is an affidavit on the subject.

Q We will come back to that later.

Will you now please describe your relations with Professor Schilling?

A First, I should like to emphasize that this is Professor Klaus Schilling who was condemned to death at Dachau and has already been executed, not Professor Viktor Schilling who is also a tropical specialist. The latter, Viktor Schilling, is mentioned in the reports on the meetings of the consulting physicians, while Klaus Schilling of the Dachau experiments never attended a consultant meeting during this war and had no military function during this war. As far as I know, he had no connection to the Wehrmacht at all during the war. In any case, I certainly never learned anything of it.

I met Professor Schilling in 1922 when I became an assistant at the Robert Koch Institute. I would have liked to work in his department of tropical medicine because that interested me, but there was no position open and nothing came of it; but Schilling was one of the older professors of the Robert Koch Institute who had worked with Robert Koch himself, and we young men had great respect for him for that reason.

Q Well, did you maintain your relations with Professor Schilling?

A When I went to Switzerland I exchanged letters with him from time to time, and in later years too, but that was very rarely. My main connection in Berlin in the field of tropical medicine was Professor Ziemann of the University whose successor at the University I became.

Q Then, at the Robert Koch Institute you became Professor Schilling's successor. How did that come about?

A In 1936 Professor Schilling reached the legal age limit and had to retire. He would liked to have his senior assistant become his successor, but Ziemann, above all, spoke for me and the Ministry decided in my favor. Then there were negotiations back and forth for while about the conditions, and on the 1st of October, 1936, I formally became his successor, but three days later I went on leave. I went on a trip through Africa for one year which I have already mentioned. During this year Professor Schilling represented me. That is, in effect, nothing was changed in the department during that year. Only on paper had conditions changed.

Q Well, what did Mr. Schilling work on?

A Professor Schilling, all his life, worked on protozoan infections. Above all, trypanozoan infections, including sleeping sickness, and especially protozoa immunity. Protozoans, in contrast to bacteria and virus, are animals.

Q What did you know about Schilling's work?

A I probably read most of his papers. In the course of years he had developed a theory about protozoa immunity which the majority of his fellow specialists in Germany and abroad rejected. But Schilling, who was a very suggestible personality, had great success in convincing laymen of the correctness of his opinions. I experienced this when I was in Tanganyika. He had, with the support of the English Colonial Ministry, attempted to immunize cattle against the Tso-tso disease. A specialist, a director of the veterinary administration, did not believe in Schilling's success. The governor in Darossalam was

definitely a follower of Schilling. I experienced the same thing on the Gold Coast where the governor, who knew Schilling quite well, was a great follower of his ideas. But, among his colleagues, he had some who shared his views but the majority did not consider them right, and I was among this majority. I always rejected Schilling's idea about protozoa immunity.

Q But he was able to work on in this field although the majority of his colleagues rejected his ideas?

MR. HARDY: Your Honor, this line of questioning as to the matters concerning Schilling's work seem to me to be immaterial and are extraneous matters. The defendant is charged with having collaborated or assisted Schilling in his work at Dachau, and it seems to me that the examination of Rose could be very limited and it could follow the line of whether or not he worked with, collaborated with, or assisted in any way at the experiments in Dachau. His full explanations concerning technical matters of malaria are immaterial and I object.

THE PRESIDENT: What is the object of this examination, counsel? What is it intended to prove before this Tribunal?

DR. FRITZ: Mr. President, I must say in respect to the prosecutor's objection to support the charges the prosecution has submitted a few documents, for example, a document in which the treatment of the witness Vieweg in Dachau is described which is supposed to show that Professor Rose was connected with the infection of the witness with malaria. The subject is not so simple that one can go right *medias res*, but in view of the difficulty of the matter I must lead up to it gradually.

THE PRESIDENT: Some of the preliminary questions might be relevant, but it seems to me you are pursuing them to a length which is not enlightening to the Tribunal. You may proceed, but try to formulate questions which are relevant to the issues to be determined.

BY DR. FRITZ:

Q How did Schilling carry out his malaria work?

A I had already said that he worked on questions of protozoa immunity. Malaria is a protozoa disease. In his last years at the Robert Koch Institute, Schilling did work on protective vaccinations against malaria, together with his subordinates. Schilling belonged to the Malaria Commission of the Hygiene Section of the League of Nations. He worked primarily on the insane in the customary sphere of therapeutic malaria, but he must have had volunteer experimental subjects too because when Schilling left Berlin I had to continue treatment of a number of experimental subjects of Schilling's. They were generally medical students and internes.

Q Where did Professor Schilling go after he left Berlin?

A As far as I recall, that was in 1938. He had convinced his Italian friends of the importance of protective vaccination against malaria, and the Italian Government gave him the opportunity to work in an insane asylum in Florence. He was also given a financial subsidy by the Reich Ministry of the Interior.

Q What do you yourself know about this work?

A Schilling, at intervals, sent reports from Italy to the Reich Ministry of the Interior. Those work reports were passed on to the Robert Koch Institute. I had to write a comment on them each time. That was always an unpleasant task because I personally considered Schilling's ideas wrong. Unfortunately, I could not explain why I held this opinion. In all his reports, Schilling was enthusiastic about the results he had had up to that time and in the next report came the disappointments, but he was just as enthusiastic again about the new ideas which he had worked out, even if those concerned were not much convinced about its prospects, but according to the general principle of freedom of research and freedom of science no one interfered. He was allowed to continue his work because, in the scientific research, progress consists of an individual proving

what everyone else has thought, up to that time, is wrong, and the majority has been wrong so often in the history of science that one has become very tolerant in that.

THE PRESIDENT: Counsel, the Tribunal now will be in recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 23 April 1947)

THE MARSHAL: The Tribunal is again in session.

- GERHARD ROSE-Resumed

DIRECT EXAMINATION(Continued)

THE PRESIDENT: As I informed counsel for the Defendant Rose during the noon recess, the defendant will have this afternoon within which to complete his testimony in his defense in chief. If the Defendant Rose's testimony is not finished by the time of adjournment this afternoon, the defendant may be allowed to file affidavits to supplement that, but his testimony in chief must be closed with the session this afternoon.

Counsel may proceed.

BY DR. FRITZ (Counsel for the Defendant Rose):

Q. Professor, after knowing everything about Dr. Schilling's work were you convinced that his work was carried out without any objection being raised, and upon what was your conviction based?

A. I was quite convinced of that, and I had the best opportunity of getting acquainted with his post. He had been working at the Robert Koch Institute for 29 years. His work methods there were well-known and were always without any fault. Before that he had been Colonial physician and from that period of time his work was always unobjectionable. I, myself, read the report about his work with the Italian government. This work was carried out in an unobjectionable manner, as far as that being apparent from the report. It was a matter of course that the malaria experiments, be experiments on human beings, without resorting to the experiment on human beings.



There is no other scientific method. In history you find that malaria experiments were either carried out on insane people or on volunteers. The first period lasts from 1920 to 1921 when you had the volunteers, and then one found the malaria treatment of insane people and there you found a community of work between malarialogists and psychiatrists.

Q. How did it come about that the work of Dr. Schilling was interrupted in Italy and you went to Dachau?

A. I can only tell you how I officially got to know about these matters. My knowledge does not cover itself with the description as it is given in document book number 4. When giving my description I shall clearly distinguish from what I know from my own personal knowledge and what I know from hearsay. There was a rumor in Berlin in the year 1941 that Schilling had difficulties with the Italian government. In the fall or the winter of 1941 the physician with whom I had worked during the resettlement period approached me on the following matter. He said that he was in Rome on an official trip accompanying Professor Conti. He said that the German ambassador introduced Schilling to Dr. Conti and Schilling then told Conti about his work in the Italian insane asylum. He described his results as very good and full of hope. Conti was very enthusiastic and then became very excited over the situation where such a well-known German scientist could not find any place in Germany. Conti then made promises to Schilling. My confidential agent was a little sceptical and asked me what I thought about Schilling's work. I voiced my misgivings about his work, misgivings

which I could not testify to here, and of which a number of other tropical hygienists agreed with me.

Q. Did you receive any official report about this meeting?

A. No, Officially I heard nothing about these events. I only found out that the Ministry of the Interior had sent a report to the Robert Koch Institute containing a request by Dr. Schilling that he be furnished a new laboratory and that he be given assistance.

Q. And what happened to this request?

A. Professor Gildemeister telephoned me, and in spite of my military work he asked me to write an opinion. He said that this was a very awkward situation, and that Conti had made promises, and was rather worried over the fact that his assistants were not as enthusiastic as he was. He said he had no idea that Knowledge was available in the Ministry about Schilling's work for years. I then wrote and asked that this opinion be made available here from the documents of the Reich Ministry of the Interior.

At that time I studied this work very thoroughly. I read through all the malaria files of Schilling. I read through his entire work regarding protosone immunity, and subsequently wrote this opinion I mentioned, which I sent to the Ministry of the Interior and which contained five principal points. Firstly, that from what human beings call a protective vaccination against malaria is impossible. Secondly, in case this should be possible by applying Schillings method against all expectations this would only have a theoretical meaning, because practically this method could not be carried out to any large extent. This was further explained in the third point to which I cannot refer now owing to lack of time. Then I wrote that Schilling had worked on this problem for over 40 years, and according to general experience it was highly improbable that a researcher who had not found a solution within 40 years would find it after having concluded his 70th year. Finally, from the point of view of War, I emphasized that even if Schilling's suggestion could have some theoretical interest one would use that there was a War on and that material and personnel was scarce. Therefore it could not be justified that material and personnel be made available to him. I think on very rare occasions is anyone justified an objection to the extent I did at that time, and at the end of the opinion I wrote, and you must see that when you find it, that I was 30 years younger than Schilling, and it was a very unpleasant duty for me to write any unfavorable opinion about the work of such a well known tropical physician. I therefore asked that no such opinion be asked from me in the future. According to frau Block's testimony this opinion was then sent into the Ministry of the Interior.

Q. Did you later concern yourself with this matter?

A. I have heard now that there was a conference about that subject in the Ministry of the Interior, however I did not participate in that conference.

Q. In this stage of the matter was the thought pronounced that Professor Schilling was going to execute the examinations that were planned by him in a concentration camp?

A. According to my knowledge there was no mention of that made either orally or in writing, and I learned nothing further about the development of this matter. I therefore cannot say whether Schillings's description can be found in Document 356, Exhibit 125, which is to be found in Document Book 4, page 6. I don't know whether this description is correct. I only know about this short excerpt in my opinion, which I already mentioned. Upon whose request Schilling got into contact with Himmler I do not know.

Q. When did you plan that Professor Schilling was working in Dachau?

A. I cannot say that with any amount of certainty. Probably when members of my department told me that Schilling had asked for anophyles, and that this question had been granted, on this occasion I heard for the first time that in spite of my opinion he had received some possibility to work, and he also carried out that work at Dachau.

Q. Did you then consider under what conditions and on what circles of persons Schilling was carrying out his experiments; It must have been clear to you that he could only experiment on human beings; you must have known that in your capacity as a malarilogist?

A. That naturally was a matter of course. In the case of malaria there is no other experiment but the experiment on human beings, but since I was not to participate I didn't think much about how he was proceeding in detail. I knew that Schilling had worked for 40 years in an unobjectionable way, and I had no reason to assume that he would change in any way. I therefore had to assume that he was either carrying out malaria injections for therapeutical reasons or that he received the approval of the experimental subjects, as it was the case before. I thought also this was a matter of course that he would receive such approval because of the malaria experiments that were carried out throughout the world up to the years of 1920 and 1921, which were carried out without any research or having any difficulty in getting the experimental subjects. In addition the document which was submitted by Dr. Servatius proved that hundreds of volunteers were found in American prisons. Why should it be any different in Germany? This was a matter of course, and I didn't think about this matter as long as it takes me to discuss it here. One after all must have some reason in order to start getting suspicious. Whether or not one can be of a different opinion as to the voluntary nature of such inmates is a different chapter entirely; but that does not only refer to the voluntary aspect of Schilling's experimental subjects, but it refers to the voluntary aspect of subjects in medical experiments generally. Now, if you start criticizing that work in detail there is very much you can say about it. At any rate I had no knowledge under what conditions or under what prerequisites Schilling was working at Dachau, and it constitutes a great surprise to me to learn from the documents in this trial

that Schilling allegedly carried out experiments on thousands of people, particularly since it was characteristic for his previous work that he was only working with small numbers of people. So much so that the accusation was raised against him by his opponents that his conclusions were built on an insufficient basis.

Q. In that connection Schilling did not discuss his experimental plans with you?

A. No, there was never any conversation about that. He never corresponded with me about it. In the year of 1937 when I took over his department we once had a discussion as to how I was to continue his work. On that occasion with due respect to his age and prestige I told him that I was of a different opinion in questions of Potozone immunity, and that I wouldn't continue the work in the same direction as he. Schilling knew exactly that I was his scientific opponent in questions of malarial immunity.

Q. But according to the testimony of the witness Viehweg he allegedly turned to you for advice when he had difficulty in breeding the mosquitos. In that case he actually turned to his opponent for advice?

A. Well, I was not his personal enemy. I was only opposing him basically in this one scientific question. If one is of a different opinion in scientific questions one endeavors to be particularly polite towards one another, so that his opposition in this one sphere would not assume a personal character. I at no time had any personal differences with Schilling. On this question of mosquitos and eggs and with reference to advise other view points play a part which have nothing at all to do

my person. Schilling did not actually turn to me, but turned to my assistant. That of course does not change my responsibility in the least, because I am naturally responsible for everything my assistant did with or without my knowledge. I always emphasized towards Gildemeister that I wanted to remain the master at the Tropical Department during the war, and naturally I am fully responsible for whatever has happened there. We are concerned with the following things: Schilling had worked with the Robert Koch Institute for 29 years. An assistant was working at my department who had been his personal assistant for 20 years, and whom I had taken over. It was naturally very natural that he turned to her whenever he needed some little technical help, that is the main reason why he turned to my department. He just as well could have turned to any other Institution in Germany, because there were several other institutions from where he could get malarial strains and mosquitoes.

DR. FRITZ: Mr. President, I have an affidavit from this assistant which Professor Rose mentioned, and it can be found in Rose Document Book 3 on page 16 to 20. I repeat this is Rose Document 35, which I offer as Rose Exhibit No. 32. I should like to start reading it from paragraph 2, page 1. We are concerned with the assistant, Erna von Falkenhayn. I quote:

"At present I am an assistant at the Robert Koch Institute at Pfaffersede, near Muehlhausen (Thuringia).

"I was, as an assistant at the Robert Koch Institute, a co-worker of Professor Klaus Schilling for nearly two decades, i. e. until he left the institute on reaching the retirement age in 1937.

"I therefore knew that Professor Schilling worked for decades on the problem of protozoa immunity. He especially worked on the immunization of the bovine tse-tse disease, and, when these efforts did not bring forth a final satisfactory result, he turned to the immunity problems of malaria and continued to work on this subject after being pensioned off. The work was then made possible by the aid of the Italian government and later on, of the SS, and was performed outside the Robert Koch Institute.

"I know that Professor Rose, who became Professor Schilling's successor at the Robert Koch Institute, had a very negative and critical attitude toward Professor Schilling's immunity experiments. This opinion of Professor Rose's was shared, among others, by the old and experienced scientist for tropical medicine F. K. Kleine, a former president of the Robert Koch Institute, who did not conceal this attitude from Professor Schilling.

"When Professor Schilling left, I was taken over as an assistant by Professor Rose and remained there as one of his assistants until the dissolution of the tropical department at the end of 1943. Therefore, I also know of the work of the department under Professor Rose in the years from 1937 until it was dissolved and converted into the Department for Fever Therapy of the Luftwaffe in the year of 1943. I continued my work as one of Professor Rose's assistants, also in the Department for Fever Therapy, until the end of the war.

"The Department for Tropical Medicine never worked with typhus virus, nor did the Department for Fever Therapy. Professor Rose took no interest in the typhus research of the Robert Koch Institute, as Professor Gildemeister personally was in charge of the department,

which at that time was exclusively authorized to carry on typhus research. Professor Gildemeister kept the department in absolute seclusion owing for one thing to the existing danger of infection. For two more reasons I am convinced that Professor Rose had no knowledge of the work of the typhus department: firstly, because the relations between Professor Gildemeister and Professor Rose were rather strained ones, and secondly because the older scientists more than others were always anxious not to make their experiments public knowledge prematurely, and always instructed their assistants to this effect.

"In 1943, Professor Rose became vice-president of the Robert Koch Institute. He, however, never executed this office, as he only occasionally and at quite irregular intervals, visited his own department, the Department for Tropical Medicine, and that only in order not to be obliged to entirely give up the department and to discontinue the research work. His military activity had assumed too large a scope. Professor Gildemeister, who had no previous knowledge of Professor Rose's appointment as vice-president, would certainly not have appreciated a close cooperation with him either owing to the aforementioned strained relations between the two gentlemen. When Professor Gildemeister occasionally was absent, he was deputized by Professor Boecker.

"In spring of 1942 Professor Schilling asked me for mosquito eggs. He chose to turn to me owing to our long time cooperation and because he probably knew that Professor Rose was with the Wehrmacht. I sent him anopheles eggs at that time, asked him, however, to direct further requests to Miss Lange, who was in charge of the mosquito cultures. I only know that Miss Lange, upon written requests by Professor Schilling, sent further mosquitoes or mosquito eggs to him. I do not know, however, either the dates or the number of the consignments, but I believe that they were all in 1942. Professor Schilling did not receive further material of any kind from the

Department for Fever Therapy.

"I only know that Professor Schilling, after receiving my consignment, wrote that the mosquitoes were getting along well. The later correspondence went via Miss Lange, and on occasion of such new requests Professor Schilling may have asked for advice regarding the breeding of mosquitoes.

"We supplied mosquitoes and mosquito eggs also to other users for breeding and teaching purposes. I recall for instance such a delivery to the Military Medical Academy in Scharnhorststrasse. Further details are not known to me as Miss Lange was competent for these matters. My main task was to conduct current investigations especially with regard to the research on amoeba and part of Professor Rose's trematode research.

"Professor Rose had nothing to do with individual consignments since malaria and the supply of mosquitoes belonged to the routine work of the department. Also, he was present too seldom, and often he could not even be reached by telephone. Such deliveries were made on the basis of his general order and under his official responsibility. I informed him of the delivery of mosquitoes to Professor Schilling and I also showed him Professor Schilling's letter. He consented.

"The malaria research of Professor Rose, starting from the time when he joined the Robert Koch Institute as a professor, was conducted exclusively in cooperation with institutions for the insane and other hospitals as part of the so-called therapeutic malaria work, the curative fever treatment. The patients who were to be infected were selected by other physicians. Our department supplied the infected mosquitoes, often performed the infection also and evaluated the subsequent malaria cases from the standpoint of malariology, while the treatment of the patient remained in the hands of the attending physician.

"In addition, the assistant physicians conducted malaria experiments on themselves. Finally, in the course of years, all employees of the department, who were in contact with the malaria research work,

contracted the disease through unintentional laboratory infections. These things can hardly be avoided in the course of such research work.

"I know that Professor Rose once intentionally infected himself with bilberziolle and subsequently suffered from a strong eosinophile reaction.

"Tefferade, 22 February 1947." (Signed) Erna von Falkenhayn.

Then follows the signature and the certification.

From this affidavit it becomes apparent that you furnished mosquitoes and mosquitoes eggs to other agencies; is there anything else you have to say in this connection?

A Well, before answering your question, I should like to make some remarks about this Document No. 35. On page 19 it says in the third paragraph that I was informed that Professor Schilling received these mosquitoes and that the letter was shown to me, where he says that the mosquitoes were getting on alright and that I then consented. Miss Block, in her testimony here, said something which seems to be in contradiction with that statement. She said that I was worried about that and that I forbade further material being given to Schilling. This is an external contradiction, but it can easily be cleared up. Upon seeing Schilling's letter and upon hearing that he had these mosquitoes, I could not very well sent a letter to him asking him to send these mosquitoes back to me. Sending these mosquitoes back and forth, I am sure that not many would have remained alive and really there was no reason here to start a big row. Insofar as that went, I agreed with the matter. The description as given by Frau Block is quite right because at that time we only had scarce personnel and the malaria requirements by clinics were increasingly progressively. Furthermore my department did current experimental work on malaria and we had just started to work with DDT and an enormous number of mosquitoes were used in that connection. I was really very annoyed that mosquitoes were furnished for a purpose which I considered to be useless. That in itself should be a clarification of this contradiction, none of

these ladies are telling an untruth as both ladies are actually correct.

Q When you were just speaking about the useless purpose, this meant that the question which Professor Schilling tried to solve could not be solved according to your opinion?

A That was my old opposition, namely that I did not believe in the possibility of a protective vaccination against malaria and what I had read in Schilling's request that he wanted to continue this work about protective vaccinations in his new laboratory.

Well, let us now turn to the question as to whether I furnish any mosquitoes elsewhere; it was really the normal task of my department. You find it currently in the yearly reports and a certain fund had been made ready in order to institute an agency to which every physician could turn who needed malaria mosquitoes. All he had to do was to write there and then be furnished with malaria. This is why we had Miss von Falkenhayn. We only paid her in order to send malaria to clinics and various other physicians. Naturally, my department was not the only source for malaria and mosquitoes. The witness Viehweg said here expressly that Professor Schilling had received mosquitoes from a number of other sources. That obviously was the consequence of my general directive, namely that if Schilling if he wrote once more, nothing more should be furnished to Schilling because we needed these things ourselves. The result is quite clear, he wrote to someone else and received his material.

Q. Did you send any malaria strains to Professor Schilling?

A. I don't know that personally, but among the strains which were mentioned by Viehweg one originated from my department. From my own knowledge I would answer this question in the negative, but in the meantime you have received a report from Miss von Falkenhayn which is not contained in the affidavit to the effect that at one time a malaria strain was furnished to Schilling, hence I know that since Miss von Falkenhayn is a credible person I have to answer that question with "yes," but not of my own knowledge. I think, however, this source is credible.

Q. How is it that you did not know a malaria strain was sent away from your department?

A. Well, it is quite natural. It can be seen from the earlier reports of the departments that currently malaria strains and mosquitoes were furnished to all sorts of places. This was an every day affair. Naturally in peace time I would have learned about that. Then I looked at all of the letters and all of the requests or I signed the consignment paper, or something of that nature. In war time that became impossible. Then these items were handled according to the general directive, after I gave them, and since I never explicitly forbade malaria strains to be sent to Professor Schilling, his application was naturally fulfilled, because why, after all, should Schilling be treated worse than any other physician in Germany. Nobody else had any misgivings in sending malaria strains to Schilling, because the witness Viehweg testified here he was working with twelve different strains. One of these strains was bred by him personally, and one, according to Von Falkenhayn's testimony, originated from my department, and the other ten he received from different sources. A number of these sources were enumerated by Viehweg in his testimony.

Q. The witness Viehweg was speaking about a Rose culture with which he himself was infected. Is that the culture which originated in your department?

A. No, certainly not. At no time did I allow my name to be given to any culture. I don't even know a culture Rose in malaria literature. From where it comes and who gave it that name I don't know. It is improbable that Schilling would have called a culture which he received from my department, according to Miss Von Falkenhayn's statement, it is improbable because malarialogists do not do this. My department naturally furnished this strain in the proper manner by giving the number of the passage and the number of the group, as it was usually done, and as a rule the name is not altered because otherwise there would be a terrific mix-up in literature if you find this strain appearing under different names. Naturally, whenever such malaria strains were sent to clinics, one could never know what was going to happen to it, because you find no malarialogist today who abides by rules. My employees have ascertained in insane asylums in Berlin reportedly that they encountered malaria strains with unknown names. That interested us very much and we looked at the source and found that it was a well-known strain, which the psychiatrist just left un-named, but it really doesn't make any difference whether the strain Rose came from my department or any other. At any rate he received one strain from my department and that suffices.

Q. The witness Viehweg states that Professor Schilling was receiving malaria strains in blood form, as well as in mosquito form. Did you ever furnish it in blood form?

A. My laboratory never furnished it in blood form. We only sent out infected mosquitoes. In the case of transmittal of blood there is always the danger that the disease is simultaneously transmitted, and since most people who get malaria treatment also suffer from syphilis, one has to count with that possibility. In the case of transmittal of the mosquitoes, any such simultaneous transmittal of syphilis is impossible, and I guaranteed when sending my mosquitoes that I was only transmitting malaria and that the infection would start and that the strains which I was sending out were actually

harmless. That is why such hospitals turned to my department, who didn't want to treat people suffering from syphilis with malaria, who wanted to treat other patients, and the Wehrmacht had ordered in their service regulations that malaria was to be gotten from me when carrying out their post diphtheria work.

DR. FRITZ: Mr. President, what the defendant Rose just said can be seen from Rose document 38, which you will find on Rose document book No. 3. I already offered it as Rose Exhibit No. 10 and on pages 51 and 52 of the document book, you will find a directive for the treatment of post diphtheria paralysis with induced malaria. On the preceding pages you will find the scientific foundation for these directives and at the end on page 52 one realizes the correctness of Professor Rose's statement that the furnishing of infected mosquitoes was a routine matter in this department of the Robert Koch Institute. It says there, and I quote the last paragraph:

"The department for tropical diseases of the Robert Koch Institute is willing, in accordance with previous arrangement, to place at the disposal of Wehrmacht hospitals, free of charge, infected mosquitoes from their anopholes colony. It would be best to employ a courier for their transportation."

Do you think it is possible, Professor, that the strain Rose mentioned by Professor Viehweg was given a different name in the hospitals somewhere else?

A. That is naturally possible. One can expect anything from a clinical study, they could do anything with a malaria strain.

Q. Did you gain any knowledge about Professor Schillings work and results?

A. Since Schilling concluded his work in Italy I no longer saw a report by him and I never heard any one else who received any reports. The first I heard of it was Viehweg's testimony to the effect that Schilling sent a report to the Reichsarzt SS Grawitz, and I had no connection with Mr. Grawitz. We further heard that such reports also were sent to Himmler.

Q. I think you already mentioned, Professor, that you were carrying on correspondence with Professor Schilling, or that you were not at all carrying out any correspondence with Professor Schilling about his work. I did not understand you correctly.

A. No, I had no correspondence with him at all and this was quite understandable because there was no reason to do that. There was no reason for him to discuss his experimental plans with me since even if I did not work on malaria protective vaccination I was one of the most important experimental malaria researchers and under such circumstances one does not carry on any correspondence in this matter. No other malaria researchers abroad or in Germany told me what plans they had nor did I write to them what my current work was. Why of all people would I do that with Professor Schilling?

Q. Weren't you interested in the result of his work?

A. Naturally I found out about the result of his work after it had been concluded, because every scientist writes a paper on his work which is then printed or lectured during a meeting and in this manner one finds out about the result of the work. This is the normal way as it applies to every scientific activity generally. This work of Schilling in Dachau was never published up to this moment and nothing can be seen about it in the files of the Tribunal. Although I am very interested in Schilling's work, I don't know anything about it up to this present time.

Q Didn't you hear anything from any third parties about Schilling's activity and the activity of his collaborators at Dachau?

A Only on one occasion did I read an article in the Journal of Tropical Medicine in the year 1944. This was a malaria paper written by an author whose name I do not know and with whose concepts I did not agree. While it is usually stated in the case of any such paper from what clinic or institute it originates or who the Chief is who guarantees the authenticity of the matter stated, no such indication was made in this paper. Since I was rather interested in this rather peculiar conception stated in this article, I wrote to the editor of the paper. I was on the Committee of that periodical and I asked for information. I received an answer that this man was a collaborator of Claus Schilling and was Dr. Floetner who, as I can see from the documents now, was Schilling's first collaborator. Up to that time I had not known Professor Floetner's name at all. I had not heard about him because I had no connections to Dachau and for that reason knew neither the name of his first collaborator nor the name of any of his other collaborators.

Q After you found out from where this work originated didn't you start correspondence with Professor Schilling or Professor Floetner?

A When I saw from the reply that this was a collaborator of Schilling I became quite clear about the contents of the work. Well, these were just the old opposition, the old two schools of thought, and there was no purpose in corresponding about it. It was clear from the outset that we would never agree on that subject.

Q Didn't you recognize from the contents of this

paper that it came from the Schilling Institute?

A Since I didn't know on what Schilling and his collaborators were working with the exception of this general idea about protective vaccinations I couldn't guess it was Schilling from reading the paper. This did not only deal with protective vaccination but was a more general subject.

Q Mr. President, I have succeeded in having Professor Rose's correspondence with the editor of this magazine, I have obtained it. I offer it as Document 30 - pages 3 and 4 in Document Book III - I offer this as RoseExhibit No. 34. I have just handed the original to the Secretary General. This shows that it is the original letter from Professor Rose to Professor Dr. Reichnow. And from the files of the Institute the carbon copy of the answer there. I also offer the preceding document in the Document Book, No. 29 as Rose Exhibit No. 33. I beg your pardon, Mr. President, I must change these two exhibit numbers. The original letter Rose Document No. 30 will be Exhibit No. 33, Rose Document 29 will be 34. The last mentioned document is the affidavit of the head of the Institute for Ships and Tropical Diseases, dated 5 February 1947, Professor Dr. Nauck. In the interest of saving time I shall not read this affidavit. It shows that Rose Document No. 30 comes from the files of this Institute and Professor Dr. Nauck made it available to me.

Professor were you ever in Dachau yourself?

A For the first time in my life in May 1946 as an American prisoner.

Q You have already said that you yourself worked in the field of experimental malaria research. That is, no doubt, quite generally known. Please tell the Tribunal what

you dealt with in this work and how this work was carried out.

A I should like to refer to Documents 10, 11, and 12. This morning I already explained here the points there which deal with my malaria work. Also I should like to refer to Document No. 25 which also mentions a considerable portion of my malaria work. I don't care to go into that any further here. As far as we working experimentally on experimental subjects we worked exclusively with insane and other sick persons where malaria infection was necessary for therapeutic purposes. This can be seen from the annual reports of the Robert Koch Institute. Indication for malaria treatment was given by some doctor in some hospital and we delivered the malaria or we administered it as the affidavit of Miss Von Falkenhayn describes it. As she describes it it is quite correct.

Q Now in your lecture you mention an experiment of Volpert's on himself. That was at this second meeting of the consulting physicians. This report is contained in Document of Prosecution No. 922, Prosecution Exhibit 435. That is the document which I have reproduced in my Document Book III for the convenience of the Tribunal and the annual report of this department also speaks of the same experiment. Were experiments carried out in this department by the scientists on themselves and what were those experiments?

A I have wondered why the Prosecution has submitted this lecture of mine. I don't know what it has to do with Schilling's experiments. I don't know that even today because Prosecution has not explained it - has merely submitted the document. But, since the document has been submitted I have to say what I know about it. During the

War in view of the extent of blood transfusions we were interested in the question how long malaria germs remain alive in human blood. So far up to three weeks had been proved. Now we are looking for the extreme limit. The earlier experiment had been performed on paralytics of the neurological ward of the Virchow hospital. When my assistant Volpert wanted to work in the same way on the blood sample he found that fungi had grown in this blood as foreign body, as contamination. He didn't want to wait three months again and this test was very important because the infectious matter of this sample had been proved after three weeks. On the other hand, however, he considered it too dangerous to use such a sample contaminated with fungi into insane persons and in order not to lose the experiment he injected the stuff into his own thigh. The result was quite successful. He contracted malaria. And that is now a classical experiment because no one else has proved that malaria parasite can live for 90 days outside the human body. Another assistant of mine performed a similar experiment but that such experiments on our own bodies were not more frequent with us was that most of the people had contracted malaria by accident in the laboratory before they could yield to such an experiment and such infections were, of course, used in therapeutic experiments with drugs but those were not malaria experiments.

Q. In the course of my presentation of evidence there has been mentioned repeatedly the Section for Fever Therapy at Pfaffenrode. What kind of an institute was that?

A. In the discussion of my relations with Gildemeister I mentioned the reasons why I and my department wanted to leave the Robert Koch Institute. I suggested to Professor Hippke, at that time, that a Luftwaffe Department for Fever Therapy be established and that personnel and equipment of my institute be transferred there. Professor Hippke accepted this suggestion and the department was set up at Pfaffenrode and other people were assigned there so that I had a total of twenty-five persons, including six doctors and zoologists, and then the work was done on the malaria treatment of the insane. We, of course, also took advantage of this for our malariological work for, although I had always taken a great deal of interest in the therapeutic success with the insane, for me the malaria side of the whole thing was the main thing. That is quite understandable, of course.

Q. Mr. President, I should like to submit another affidavit by Professor Dr. Luxenburger of 24th of March, 1947. This is Rose Document 47 in the supplement, as Exhibit No 35. It deals with the work of the defendant Rose in the field of malaria. I shall not read it in order to save time, but I ask the Tribunal to take notice of its contents.

Your department at Pfaffenrode, at the beginning of April, 1945, fell into the hands of the Americans. What did the occupation authorities feel about your experimental work?

A. By the surprise advance of the Americans in April 1945 Muehlhausen in Thuringia was occupied. Pfaffenrode is near there, and it had to be assumed that the institute was also occupied by the enemy. At the time, I was in Berlin for a lecture on epidemic control. When I came back to Bad Harzburg I tried, during the night, to get into Pfaffenrode in order to give the personnel instructions as to how they were to behave, but I didn't succeed. I could not get through the lines. Therefore, I went back to Harzburg and I asked the Chief of Staff that I should be sent to negotiate as a truce bearer in order to negotiate with the Americans about the surrender of this department. The Chief of Staff refused my offer because the medical chief could not be reached. He was the one who would have had to take the responsibility, and the Chief of Staff did not want that because all negotiations with the enemy were strictly forbidden and were subject to severe penalty. I therefore went to the commanding officer of the Group Science and Research, who was at Harzburg at that time too, and explained my situation to him. That was Professor Luxenburger who was a psychiatrist himself. He had more understanding for my worries and he took the responsibility of signing my application.

Q. Mr. President, I should like to refer once more to Rose Document #8. That is in Document Book 1 on pages 27 to 27, Rose Exhibit 29. That is the first affidavit of Professor Luxenburger. I have already read the first part - page 2 of the document, the last paragraph. That is page 25 of the Document book. From there on, Professor Luxenburger explains this trip of Professor Rose to the Americans as a truce bearer. I had really intended to read it, but in order to save time I shall

not do so. I ask you to take judicial notice of it.

Then, how did you carry out the surrender of the department to the Americans?

A. I went through the lines with this paper, south of Rudolstadt, and I established contact with the American infantry. I managed to see the American staff, and finally I was allowed to negotiate with American medical officers. The negotiations lasted three days, because the American authorities had to consult Eisenhower's headquarters, and a consulting psychiatrist was sent out. Finally, a written instruction was agreed upon which I wrote down for Stabsarzt Blaurock who was my representative at Pfaffenrode. During these negotiations the important thing was that the trained specialized personell were to be left there to take care of the insane, because I had six hundred patients under my responsibility there. Also the drug supply was to be safeguarded and the special food rations were to be safeguarded which I had obtained for my patients from the Food Ministry. Also, I wanted to free my personell from the compulsion of refusal which exists for every Wehrmacht member who is captured, and then I wanted to avoid any records being destroyed because there was a general order to destroy military records so that they would not fall into the enemy's hands. There was danger that this order would simply be carried out systematically and all the records of the department would be destroyed. I wanted to prevent that through these negotiations.

W. Mr. President, the correctness of this statement of the defendant Rose is shown by Rose Documents 31, 32, and 33 in Rose Document Book 3. Document 31 is on page 5. I offer it as Exhibit 36. This is the affidavit of the

physician, Dr. Blaurock of 19 February 1947. Rose document #32 is the following one, which I offer as Rose Exhibit #37. This is another affidavit of Dr. Blaurock, also dated 19 February 1947. This document is on pages 6 and 7 of the Document Book, and Rose Document #33 on pages 8 to 10 I offer as Rose Exhibit #38. This is the certified copy of the surrender instructions which the defendant Rose has just spoken of for his institute of Pfaffenrode.

Did you return to the German side after that?

A. That was very important for me. This action, which I had undertaken on my own responsibility, deviated considerably from all existing regulations. I had acted independently, without orders, and, of course, it was absolutely essential for me to get back to the German side and report what I had done, in order to either have the support of my superiors for my action or to take the consequences, if my action was not approved; and I succeeded in that. I got back through the lines. I went to Saalow. I reported to Professor Schroeder, and then, subsequently, he gave his approval to my action.

Q. Do you know what happened to your department after you left?

A. I was informed only by my former assistants. I know only what they told me, but I consider them so trustworthy that I can repeat what they said, especially because of the agreement that I had reached in the negotiations. First, the Americans placed this department under special supervision, in order to prevent unauthorized persons interfering. Then, it was repeatedly checked by American medical authorities. Then a group of the CIC came there and looked through the files, and, as a result, issued

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written instructions to the department to continue in the work. I also know that an American Army Doctor with the rank of Colonel made a written report after a thorough checking of the institution and that, in this report, he speaks favorably about the institute and about the work and the way the institute was managed. I learned of the contents of this report when, in the winter of 1945, I was for the second time examined by the Intelligence Service. A member of the American Intelligence Service told me about this report.

Q. Mr. President, to support the testimony of the defendant Rose, I should like to submit Rose Document 34 in Rose Document Book 3, page 11-15. I should like to offer it as Exhibit #39. This is an affidavit of Colonel of the Army of the United States, Otto B. Schreuder, of the 13th of March, 1947.

Professor, I believe that there will not be enough time to read it. Perhaps you will give a brief explanation of this English document.

A. This document was originally primarily intended as a hepatitis document. As supplement to the testimony of Colonel Schreuder there is an excerpt which American agencies made of an article about hepatitis epidemica which I wrote in June, 1945, in England; but since the charge of hepatitis epidemica has been dropped I have no interest in going into this part of the affidavit.

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I refer to page 11 of the Document Book, which is page 1 of document 34, to numbers 1, 3 and 4 in the affidavit. No. 1 gives the personal data of the witness. No. 3 describes the visit of Colonel Schreuder to the department at Pfaffersode, and No. 4 contains a brief personal statement of Colonel Schreuder about my person.

Q. You discussed experimental malaria research as carried on by you; did you also deal with protective vaccination against malaria?

A. I want to say it was the experimental malaria research as carried out by me where I was responsible and had something to say, and the ways and means in which this work was turned over when the enemy came where I was responsible. No records were burned, no patients were sent away, the person in charge of the experiments did not run away but I saw to it that my patients were taken care of decently. I saw to it that my patients were taken care of decently. I saw to it that no document was destroyed carelessly, and I myself went through the lines to see to it, instead of running away. Now I am to be held responsible for what somebody else did, over whom I had not the slightest influence, of whose activity I knew nothing whatever, and who in his entire conduct was the opposite of what I did myself. I would have liked, if I had been able to describe in more detail the way in which I worked, but the Tribunal has limited the time for my defense. I did not work on protective vaccination against malaria. On the basis of work of other researchers I was convinced that that is an insoluble problem, and normally a research worker does not deal with problems which he considers insoluble, and I have recorded this point of view about protective vaccination against malaria in literature. I can point out on the negative side that I have excerpts of everything that I said about malaria at the meetings of consulting physicians, which I have submitted that here. There is not a word about

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protective vaccination against malaria, and if I had had a man anywhere who conducted experiments about protective vaccination on over a thousand people I would no doubt on one of these many occasions have said a word about it. I hope that my opinion written in the year 1941 will turn up again. It is in the hands of the Military Government, because the records of the session in 29 December of 1941 which was submitted here, came from the same files. In the same filing cabinet is my expert opinion. If they want to find it they can; and then I should like to refer to my Basle lecture of 1944, which has been submitted here, Document 25, which says on page 39, and I quote -- "The role of drugs in malaria combatting ----" page 39, Document 25, Document Book 2, page 39.

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"The part played by drugs in the fight against malaria is not exhausted by the possibilities enumerated. Although we do not know of a vaccination effective against malaria, and although it is unlikely that such will be developed, in view of the nature of this protozoa-infection, the preventive treatment, the so-called 'drug prophylaxis' has already played for some decades, in the fight against malaria a part similar to that played by vaccination in cases of bacteria and virus infections."

That is not the speech of a man who is conducting experiments on a thousand people in a concentration camp on protective vaccination, when he at least knows everything about it, as the Prosecution says.

Q. Now, can you please comment on Professor Schilling's work at Dachau?

A. That is impossible at the moment. I am accused, because of this work, that is true, but the only material which I have on it is Document Book 4, and the testimony of the witness Viehweg. I do not even know the wording of the testimony of Professor Schilling in the Dachau trial, although I asked for a record of the testimony. According

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to the American newspapers, Schilling prepared a memo about his work which is available to foreign experts, and I have not been able to get it yet either. The materials available so far are so inadequate from the medical point of view, that I, at least, cannot express any opinion on them, although I am supposed to take the responsibility for them. I can only point out one thing, the witness Viehweg said here that experimental subjects of Schillings died because of the Salvarsan treatment of malaria. I should like to refer to Document Book Rose 3, document 922, Prosecution Exhibit 435, page 30, the lecture by me at the meeting of consulting physicians. I refer to point 2 "Treatment". At the end of this paragraph it says the following: "The treatment of tertiana with neosalvarsan, which only suppresses the vivax infections but does not cure them parasitologically, is also to be rejected." I can say that that was a lecture at a general Wehrmacht meeting where I could only give a recommendation for the Luftwaffe; if my recommendation was accepted, it could be turned into an order, and as a result of this recommendation the treatment of malaria tertiana with salvarsan was prohibited in the Luftwaffe; and now I am to be held responsible, I, as the man who had salvarsan treatment for malaria prohibited, because Schilling had the misfortune when treating malaria patients with salvarsan that some of them died. But I should like once more to express the hope that the prosecution in submitting document Book 4, promised the files of the Dachau trial would be made available here. I am to be held responsible for it. I applied in time to be given the testimony of Schilling to read. I have not seen a single line of it yet. I hope before the end of the trial I will see the records, and then I will perhaps be able to express my responsibility for what is in it.

Q. Well, was Professor Schilling informed about your malaria work?

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4. As far as I know he was not, at least I told him nothing. He probably read what I published. I assumed that my special publications were always sent him by the secretary, according to the distribution list. I had a general list of names, malaria works were sent to so and so, etc., but the reports of the Wehrmacht meetings Schilling probably did not read because he did not belong to the Wehrmacht, and my associate, Miss von Falkenhayn who corresponded with him, had express instructions not to tell him anything about our work, so that there would be no gossip between the laboratories, and I acted no differently toward Schilling than toward any other malaria research worker. As the annual reports of the Robert Koch Institute state I, of course, collaborated with quite a number of people, such as Hertens, Koenig and Sabel concerning certain malaria drugs, and of course with those people I discussed the particular part of my work which we were doing in common, and corresponded with them, because we had to collaborate; but of course I didn't tell these people anything about the other matters which my other associates were doing; and in addition to these people there were quite a number who were working on malaria research experimentally, Schuitemann, Sivoli and those at the Hamburg Tropical Institute, Hauber, and so forth. I did not exchange views with a single one of these. That is the general custom. If one exchanges opinions with ones closest competitors, there is always the danger that both people who are working on the same thing will get the same idea, and afterwards if they talked about it they reproach each other that one stole the ideas of the other; and if one is a little older and has a certain amount of experience and wants to be on good terms with his colleagues, one knows that the best thing is not to talk about work which is not finished yet, but just about the work which has been completed.

Q. Then your conduct toward Professor Schilling was exactly the same as toward your other colleagues?

A. Yes, exactly the same.

Q. Now, do you feel responsible for the work of Professor Schilling because your department sent Professor Schilling mosquito eggs and a malaria strain?

A. Of course, I take full responsibility for the fact that my personnel sent this material to him. It is out of the question that Miss von Kalkenhayn is responsible, that is my responsibility. Of course, I do not take any responsibility as to what another scientist does with mosquito eggs and malaria parasites which I have given to him. My duty and care is limited to giving such material only to the people, primarily doctors, whom I must assume, according to customary procedure, will use the material properly and not misuse it. It was the official duty of my department to do so. If for example some Wehrmacht hospital, on the basis of the order of the Chief of the Wehrmacht Medical Service, wanted malaria for malaria treatment of of diphtheria and asked me for it, gave it to them without any delay. I did not have the task to check whether this hospital had the authority to carry out malaria treatment, I had no supervision over these hospitals. Supervision to see that only a qualified man should carry out malaria treatment in the hospital was up to the chief physician of the hospital, and secondly of the Wehrmacht physician. They had to see to it that the regulations about the correct execution were observed, and how was I supposed to do that as I sent malaria to all sorts of people? How can I control fifty hospitals? The number was even greater, how can I ask what they do with malaria? In the same way, it was not my duty to ask what

the use of the mosquito eggs by Professor Schilling; but the duty of the supervision over this work belonged to the people who had given Schilling the assignment and made it possible for him to work. As far as I know today that was the responsibility of the Reichsartz SS and Himmler. What immediate agencies were authorized, I do not know. In any case I had no official connections with either of these offices or with Mr. Schilling. That I am not alone in my opinion is shown by the fact that Schilling asked for material from various foreign and German institutes and got it, as Vichweg said here, and he never had any difficulties. Also Schilling had his own mosquito catching detail and had bred his own malaria strains. He was in no way dependant on my strain and the few mosquito eggs he received from my own department. If the fact of having given him such material means responsibility for their use by him, then all scientific cooperation must stop. Then no one can give anything out of his hands. I have given much more dangerous things than malaria strains, for instance, cholera and plague cultures, only on the basis of application by mail to people. I personally did not know, only on the basis that I knew the institute where they worked and knew that it was reliable.

Q. When such requests were made, was it not said for what purpose the material was needed?

A. No, that is not customary. Usually one merely asks for the material and the material is sent without further inquiry; that is an international custom.

Q. Then could any doctor ask the Robert Koch Institute for plague cultures; is that it?

A. Plague cultures; no. In Germany there are certain legal regulations about plague. There are only a few

institutes that are allowed to work with it, and they are known to us. To legally authorized institutes one, of course, sends them. But, for example, if foreign institutes ask me for plague cultures, as the Robert Koch Institute had the permission to work with plagues and had such cultures, I would have sent a plague culture to a foreign country. In the accompanying letter, I would perhaps have added to the sentence that I assumed the recipient would see to it that the legal regulations in his country were observed, which I would not know. For malaria strains there are no such restrictions, they are distributed internationally without any reservations, and certainly mosquito eggs.

The witness Viehweg said for example that Schilling worked with the Madagascar strain, that was a well known strain in literature. That was bred in Hortlan in England by Colonel James.

Q. Did you yourself ever get malaria strains from abroad?

A. No, malaria strains. I always worked with malaria strains which we had bred ourselves, but I know of a number of strains in Germany which must have come from abroad as this is well known in literature. I, myself, get from abroad snails, which carried diseases, ticks, mosquito eggs, worm parasites, infected cats, and plague strains. In all cases they were sent to me without any reservations on the part of the sender. It was my own personal business in each case to get the approval for importing these things from the authorized Governmental authorities; and there are legal regulations about the importation of disease carriers and dangerous insects which my assistants and I had to observe. But the sender

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abroad had nothing to do with that. I had to see to it that I could present the custom's office with approval for introducing these dangerous things in Germany. I assume that is the case everywhere in the world.

DR. FRITZ: Mr. President, I have completed the direct examination of the defendant Rose. I should now like to reserve the right, after the cross-examination, to submit a few more documents to the Tribunal.

WITNESS: I beg your pardon, how about the document Muehlens?

DR. FRITZ: I should like to offer that at the end, Professor, after the cross-examination. I want to end my direct examination now.

THE PRESIDENT: Counsel may offer the documents either tomorrow morning or at the end of the examination, as he pleases.

MR. HARDY: I don't understand what Your Honor meant by offering documents before cross examination.

THE PRESIDENT: Counsel for the defense said he had a few more documents which he would like to offer at some later date and I informed counsel he could offer those documents tomorrow morning or some later date, and I thought possibly counsel had understood when I told him the direct examination would be limited to this afternoon that might also include the offering of documents as exhibits. It did not include those. He can offer those the first thing tomorrow morning if he desires. Is it understood, counsel?

DR. FRITZ: Yes, sir.

THE PRESIDENT: The Tribunal will now be in recess until nine-thirty tomorrow morning.

(At 1525 hours the Tribunal adjourned until 0930 hours, 24 April 1947.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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Volume 18

Apr. 24-30, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

CASE No. 1 TRIBUNAL I

U.S. vs KARL BRANDT et al

VOLUME 18

TRANSCRIPTS

(English)

24-30 April 1947 pp. 6357-6762

Official Transcript of the American Military
Tribunal in the matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany,
on 24 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please
find their seats.

The Honorable, the Judges of Military Tribunal I.
Military Tribunal I is now in session. God save the
United States of America and this honorable Tribunal.
There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the
defendants are all present in court.

THE MARSHAL: May it please your Honor, all defen-
dants are present in the courtroom.

THE PRESIDENT: The Secretary-General will note for
the record the presence of all the defendants in court.

Are there any questions to be propounded to this
witness by any defense counsel?

GERHARD ROSE - Resumed
CROSS EXAMINATION

BY DR. SERVATIUS (Counsel for the Defendant Karl Brandt)

Q. Witness, can I consult you as an expert on the
field of epidemic research?

A. For almost two decades German and foreign
authorities have considered me an expert in this field
and consulted me, and you can also consider me as an
expert.

Q. Is hepatitis a fatal disease?

A. You mean hepatitis epidemica?

Q. Epidemica contaminosa.

A. Hepatitis epidemica itself is not considered
a dangerous disease by hygienists. But in all those

things you must consider that one must give justice not only to the hygienic but also to the clinical aspect. To give you an example, take the common cold. Everyone here in the courtroom no doubt agrees that that is not a dangerous disease, nevertheless, everyone knows that otitis media may follow a cold. This can be complicated by meningitis, and the person can die of that, I mean primarily; but no one will for that reason call the common cold a fatal disease. It thus is possible in the case of hepatitis there may be some other complications, but no one will call hepatitis itself a dangerous disease because of that.

Q. Witness, is the customary experimental research with the hepatitis virus connected with great danger?

A. There is some material on that. There are three examples known in Germany. Experiments with hepatitis virus have been carried out in Germany by Eppinger, Vogt, Essen and Lonke. No incidents occurred. The experiments were harmless. That is very little material, but hundreds of cases, which would permit us to form a much more reliable judgment, can be found in English and American literature. Up to today there have been about human experiments with hepatitis, and there has not been a single incident reported.

Q. Witness, can you imagine experiments in this field which end in death, or where one can expect death?

A. I would not expect any death in any such experiment.

Q. I ask whether you as an expert can imagine such experiments, what the nature of such experiments would be?

A. Experiments with hepatitis virus no, I cannot

imagine them.

Q. Witness, you know from this trial that the Reich Physician-SS Grawitz in a document NO-110, Exhibit 187, demands prisoners from Himmler for such experiments and says that death has to be expected. You will remember that in another document, NO-011, Exhibit 188, Himmler made eight prisoners who had been condemned to death available. Can one not conclude from this that extraordinarily dangerous experiments were planned with these prisoners?

A. I would not draw that conclusion. I would consider two possibilities: either that the applicant did not know enough about the matter, and since the person who wrote the letter was Mr. Grawitz, who for years had worked only with administrative matters, that possibility would be quite reasonable. The other explanation for me would be that he was very extremely careful and, of course, it is better when there is need to carry out an experiment to present it as serious and dangerous than to under-estimate the danger. An exaggeration is better than a minimizing of the danger. What reasons were followed in this case, I do not know since I am not informed about the matter.

Q. In connection with hepatitis research did you hear the name of Professor Brandt?

A. I never heard the name of Professor Brandt in this connection.

Q. Did Professor Brandt ever in any connection demand that you conduct experiments on human beings?

A. No. When I met Professor Brandt there is testimony on that; we did not say anything about experiments on human beings.

A It is of course always difficult to give negative testimony. I can, of course, not say no human being experiments were conducted; but I can testify for certainty that in the Blitzableiter Committee experiments on human beings were never discussed in this connection, and that no such experiments on human beings were planned there.

MR. HARDY: May it please Your Honor, at the close of the direct examination by the defense counsel for the defendant Rose, Your Honor asked whether any of defense counsel wished to cross-examine the witness. Dr. Servatius now is cross-examining defendant Rose, and during the course of the cross-examination is bringing in new material which was not covered during the direct examination. I object to any further questioning along these lines concerning something other than what was brought out in direct examination.

DR. SERVATIUS: Mr. President, I did not intend to cross-examine the witness, but to question him directly. If I did not have the opportunity to question him now, I would have called him as a witness, but up to now it has been the rule that I can examine a defendant as a witness, and only when the direct examination is finished, if I am not the defendant's counsel, then only can I ask him about questions of the cross-examination. I believe that these questions are now permissible to him as a witness in direct.

THE PRESIDENT: It has been the practice of the Tribunal to allow defense counsel to examine defendants after they have finished their testimony in chief in their own behalf, as witnesses for the different defendants, whose counsel desire to examine. The prosecution has had the same privilege.

MR. HARDY: Your Honor then, whenever a defense counsel other than the particular defense counsel for the defendant involved, is examining a defendant, how can the prosecution determine whether that defense counsel is bringing the defendant on the cross-examination or whether he is using him for his own witness, and thereby being responsible for everything that defendant says.

THE PRESIDENT: By the questions which I propounded in this case, counsel for Karl Brandt, says he is examining the defendant for his own witness.

MR. HARDY: At this time?

THE PRESIDENT: Yes. Counsel may proceed.

Q Witness, in the work concerning biological warfare did Professor Brandt play any role?

A Neither in the Blitzableiter Committee or outside of this committee did I hear anything about Professor Karl Brandt in any connection with biological warfare.

Q Now, I have a question on another subject, euthanasia and insane asylums; witness, you gave an affidavit, Document NO-872, Prosecution Exhibit 181, and you state the following concerning the defendant Karl Brandt: "He gave me the insane asylum in Thuringia, and promised me my patients could remain in this institution." Did Professor Brandt have the right to dispose of such insane asylums? — I can show you this exhibit.

A May I see it? — I signed this affidavit in English. I believe that I have an adequate knowledge of the English language, so that I can take the responsibility of signing affidavits in English. When I signed this affidavit I made a few changes in the original wording. This is not my testimony. It is an excerpt which the Prosecution made of an interrogation. I had a long conversation with Mr. Devreis about these words "to put an insane asylum at my disposal." And I told Mr. Devreis in my opinion this expression "put it at my disposal" neither covers the rights which I obtained in this transaction, nor represents correctly the function which Professor Brandt exercised. Mr. Devreis very stubbornly held to this expression "put at my disposal," and he ended the conversation by saying "you could put your patients into this institution." "yes," I said, "I could." And then he said, "Then the institution was at your disposal", and that is what the English means," and I signed it, and of course I admit that it was my mistake

to sign something which I personally thought was incorrect. Now, also I was not asked at the time how I got the insane asylum of Pfaffenrode. The question which I was asked "What official connections did you have with Professor Brandt?" I mentioned these two points first, that I negotiated with him about this institution, about the question of fever therapy, and second that I asked him for his help when I wanted to get better food rations for my patients. I would have considered myself terribly boring if in answer to this question I had given a long description of the technical procedure of my getting the institution. That was, of course, a long administrative matter, in which Professor Brandt was not longer concerned.

Q. Witness, Professor Brandt then had no administrative or supervisory authority over the insane asylum?

A. I never knew of that. The state supervision over state asylums was up to the Ministry of the Interior and the administrative authority was no doubt in most cases with the provincial authority. In any case, with this institution that was the case, and I had to negotiate with the provincial administration in Merseburg.

Q. Witness, you were just speaking of the food rations for the inmates of these insane asylums. Here during the trial you have heard that people were allegedly allowed to starve to death, this being a version of Euthanasia. Did you negotiate with Professor Brandt in any way about the reduction of rations for these patients; do you know that Professor Brandt advocated the starvation of these insane? You said in your affidavit that on the basis of intervention of Professor Brandt, the patients received higher food rations. What did Professor Brandt have to do with this matter?

A. You have asked me several questions. First of all, I never heard that starvation rations were set especially for insane asylums. I had something to do with insane asylums because I had to supply the malaria vaccine, which gave me much more contact with the insane asylums than the normal hygienist has. On those occasions I never learned that especially low rations were given to insane persons anywhere.

This specific matter was the following: When I started with fever therapy at Pfaffenrode, all the insane persons there received the normal rations, that is the rations of housewives, mothers, and myself for example as an office worker, the same rations that we received; these rations had been especially reduced at that time, not for the insane but for the entire German population, and I wanted to carry out fever treatment on my insane people, and that is an additional burden on the body; therefore, I wanted the higher

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rations for my patients, which were given in the general hospitals. That was refused by the Provincial Food Office in Thuringia; therefore, I made another application to the food ministry; and since there were laymen there, I was afraid they would not have enough understanding for the insane. I wrote to three agencies and asked for support. I wrote to the Reichs Commissioner Professor Brandt; secondly, to my Medical Inspectorate, and third to State Secretary Conti. In each case I enclosed a draft of a letter, and asked the gentlemen to send this draft as their letter to the Reichs Food Ministry, because I hoped that if three cannons were shooting at the food ministry, that they then would perhaps give me these additional rations for my six hundred patients and that was successful. However, that was a favor I was asking from these three gentlemen. I asked them to support my medical opinion, and one could not conclude from that that they had anything whatever to do with the setting of food rations for insane asylums.

Q. Witness, one more question. According to the Prosecution evidence that has been submitted here, one could assume from 1942 on all insane persons were exterminated in the institutions; how many inmates were there from 1942 on; were there still insane persons?

A. Of course insane persons were still there in considerable number. I have of course no knowledge of the figures; I only cooperated with institutions and I did not gain insight into the actual business of the institutions proper, but in Pfaffenrode, for example, it was as follows: In peace time Pfaffenrode had beds for two thousand insane people, and at the beginning of 1945 there was a total of 4,000 insane there, as the result of transfers, because other insane asylums had to give up beds for evacuation hospitals and similar purposes.

Q. Do you know the number of the patients on hand in the winter of 1941-1942 when Euthanasia was stopped?

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A. No, I know nothing about that.

Q. Do you have the impression that blindly exterminations were carried out?

A. I had nothing to do with the execution of Euthanasia. I can only say from my experience that the heads of the insane asylums did not talk about this subject at all, or only very reluctantly. For example, I can mention the director of the Institute Arnsdorf, there were a few old schizophrenics who were under my fever treatment and they were transferred. I must assume today that they were included in the Euthanasia program. I attempted to learn from him to what institution they had been sent, so that I could write to the director there and find out whether there had been any reoccurrences of malaria. My treatment had been very unsuccessful and that was the final attempt, from a psychiatric point of view nothing could be done for these patients any more. I was interested from the point of view of malaria; but I could not find out from Mr. Sagel what was going on.

Q. Witness, that was in 1945?

A. No, that was 1940.

Q. I have no further questions to the witness.

BY DR. MELTE: (Counsel for the Defendant Handloser.)

Q. Professor, in Document book 12, there is a letter which you wrote to Professor Haagen on 9 June, 1943, it is Document NO-306, Prosecution Exhibit 296. This letter reads:

"Dear Mr. Haagen: My best thanks for both your letters dated 4 and 5 June and the prompt execution of my request. I have compiled a proposal for the Inspector, in which I enclosed your original papers and requested him to urge the Chief of the Medical Service of the Wehrmacht to order the production of spotted fever vaccine for all Wehrmacht in the Eastern area..."

The rest of the letter is of no interest here.

Do you remember this letter?

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A. Not in the sense that I know exactly that I wrote this letter; but the whole matter, the whole context I remember clearly.

Q. One basic question, you know that the Prosecution brings this letter in connection with the human experiments at Natzweiler; that is the experiments which Professor Haagen conducted in Natzweiler on human beings; does this letter have anything to do with the research or experiments in Natzweiler as the Prosecution submits?

A. No, nothing at all.

Q. What was the context of your suggestion, or rather the suggestion which you made on the basis of material from Haagen?

A. The whole matter was as follows: Professor Schreiber wanted to have a survey of the practicability of the various procedures of the production of typhus vaccine from an economy point of view; that is, assuming that a factory is to produce vaccines every month for one hundred thousand persons; how much material is needed; how many workers are needed: (a) If the Weigl lice procedure is used, (b) if the vaccine is produced according to the Gildemeister-Haagen method and (c) if a lung vaccine is produced, etc.

Schreiber had asked several typhus experts about it, and he had called me up and said I should get him the information from the Luftwaffe. Document No. 305, which is on the preceding page, shows.....

Q. This is Prosecution Exhibit 295.

A. This shows that Mr. Haagen gave me the corresponding information. This information itself is not available but only a correction of it. Apparently in the first letter he had made a mistake in the figures and he corrects it now, and he gave his opinion on these questions; that is merely his opinion on purely technical matters of production. Mr. Schreiber did not want to rely on the opinion of a single man, he knew scientists, he knew that every specialist would uphold his own procedure and call it

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the most valuable. He wanted to compare what various people thought of the different procedures. The supplying of this purely technical information has now been connected with the renewed suggestion to increase vaccine production to such an extent that all members of the Wehrmacht at the eastern front could be vaccinated. That is the context, that is the meaning of this matter.

Q. Well then Schreiber asked for information for comparative determination of production costs and production material needed for extensive vaccine production?

A. Well less about cost than about the personnel and the material needed.

Q. Where was Schreiber at that time?

A. He was chief of the training group "C" in the Academy, I believe the deputy for epidemic control with the Reich Research Council. I wouldn't say that for certain, the date is the 9 June 1943...

Q. It is doubtful whether he already was plenipotentiary of the Reich Research Council?

A. I don't know the date so well.

Q. It was the end of May or the beginning of June when he was given the assignment as plenipotentiary for epidemic control?

A. It is possible but I can say nothing for certain.

Q. This letter does not go to Schreiber, it goes to Haagen, and it shows that you made a suggestion to the Chief of the Medical Service of the Luftwaffe, and that you asked him to pass on this suggestion. The suggestion, which you just mentioned, that there should be a large typhus vaccine drive in the East; do you know personally whether your Chief, Generaloberstabsarzt Hippke did submit that suggestion?

A. I can only express an assumption. In general I did not learn that whether such a thing was passed on I became to know in two ways, if there was any inquiry about it or if I got to see the records later; I cannot remember today whether either of these two possibilities was the case here. I would assume that it went on, but I don't know.

Q. Do you know whether any decision was reached? You say in the letter: "I hope to succeed in this matter." You seemed to be interested in it and I believe that if the suggestion had been

successful, if it had been adopted, you would have been informed.
Were you?

A. Well in any case we never achieved the aim of producing enough vaccine for the Eastern front. I cannot remember any specific answer in that connection.

Q. Well then the results which can be ascertained are first, that this letter had nothing to do with research, and, second, that the Chief of the Wehrmacht Medical Service, was in no connection with Haagen and Matzweiler, that is, so far as the letter is concerned.

A. The Chief of the Wehrmacht Medical Service had nothing to do with instigating this letter. Information is given to him about technical production matters which he did not ask for at all, and besides they had nothing to do with experiments.

Q. Yes, that is what I want to know; that this material, which may have been brought to the attention of the Wehrmacht Medical Service, said nothing about research and nothing about Matzweiler, only the technical material for comparison which you spoke of?

A. Yes, and the date shows that too. The first experimental vaccinations, which are reported in Strassbourg, are supposed to have taken place at the end of May or the beginning of June 1943 in Schirmek. There couldn't have been any material on it yet.

Q. I am interested only in facts. What you say is an explanation.

A. In document 305, it says for example that a letter from Mr. Giroud is enclosed. That is the head of the corresponding department at the Pasteur Institute in Paris, who gave information, that I need so and so many rabbits per month, and I need so many technical assistants and so and so many untrained workers. That has nothing to do with experiments.

Q. But that was from Haagen to you. That was the basis for what you reported to Haagen or rather to Hippke.

A. Yes, I took these things together and wrote a covering letter and sent it on.

Q. Did you ever talk to Professor Handloser about experiments on human beings of the type which are the subject of the charges here?

A. No.

Q. Or did you ever have an opportunity to discuss experiments with him, that is typhus experiments with human beings?

A. No, I believe Handloser did not discuss typhus questions with me at all, certainly not experiments. About delousing problems Professor Handloser did not consult me.

Q. When you were in Buchenwald with Professor Gildemeister, did you have an opportunity afterwards to discuss it with Professor Handloser?

A. Generaloberabstabsarzt Handloser was not yet the Chief of the Wehrmacht Medical Service at that time. I had no opportunity to see him and I did not talk to him about it.

Q. Following the Ding lecture at the May meeting in 1943 where you protested, did you talk to Professor Handloser about the reason for your protest and did you talk to him about the incident at all?

A. No, I did not talk to Professor Handloser about it.

Q. Did you talk to Professor Handloser about research on hepatitis epidemica?

A. No, I was not working with hepatitis.

Q. Did you talk to him about malaria?

A. I talked to Professor Handloser repeatedly about malaria.

Q. Or in connection with the experiments in Dachau with Schilling.

A. No, I knew nothing about them myself. Those were questions of prophylaxis with the troops, dosis of prophylaxis, and then malaria treatment, standard methods of treatment, the time when

malaria prophylaxis should begin, the question of general treatment.

Q. Well, questions which were important for protective vaccination and for the carrying out of prophylaxis?

A. No, not vaccination. There is no vaccination for malaria prophylaxis, but drugs.

Q. Did you talk to Handloser about yellow fever experiments?

A. No.

Q. Did you participate in the hepatitis discussion in June 1944 in Breslau?

A. No.

Q. Why not?

A. I was not invited, and I was quite annoyed because I wasn't invited. I would have been glad to hear what was reported there, but apparently it was only a small group of purely hepatitis specialists, and since I was a general hygienist I was not invited. I only learned subsequently of this meeting. If I had learned about it beforehand I would have tried to get an invitation.

Q. Do you know where Dr. Dömen worked on hepatitis research?

A. I learned subsequently that he worked at the Robert Koch Institute, after he had already left; and then later I heard that he was in Giessen, and at some institute, but both of these facts I know only from hearsay and not from my own knowledge. I did not see him at the Robert Koch Institute, and I did not visit him at Giessen.

Q. But you do know that Dömen worked at the Robert Koch Institute under Professor Gildemeister on hepatitis?

A. Yes, I heard that.

Q. Well your hearing it was such that you can call it knowledge?

A. Well I considered it quite credible. If I were not under oath I would simply say Dömen worked for Gildemeister, but since I am under oath I can only say I heard that Dömen worked for Gildemeister.

Q. You worked at the Robert Koch Institute, too, didn't you?

A. Yes, I had my department there.

Q. Then this "hearing" can be evaluated as more important than if someone simply says, in ordinary life, "I heard that he worked at so and so".

A. Yes, certainly. Besides there is an affidavit from Geheimrat Lenz, who is now director of the Robert Koch Institute and it says that Dohmen did work there, and he has access to check up on the files.

Q. I have no more questions to this witness. I thank you.

BY DR. FRIBILLA (Counsel for the defendant Rostock):

Q. Professor Rose, you were Vice President of the Robert Koch Institute of Berlin. Was this institute under the Ministry of the Interior or was it at any time under the Commissioner General for Health and Medical Matters, and consequently under the department for science and research?

A. The institute, until 31 March 1942 was under the Prussian Ministry of Interior. From 1 April 1942 on it was under the Reich Ministry of Interior. But, of course, it was never under the Commissioner General.

Q. Then you never had any orders or instructions directly from the Commissioner General for the Robert Koch Institute?

A. No. I never saw any such instructions.

Q. Were you as Vice President of the Robert Koch Institute, or as Consulting Hygienist of the Luftwaffe, ever under Professor Rostock in his capacity as Dean of the Medical Faculty of the University of Berlin?

A. No, of course not. I had nothing to do with Professor Rostock as Dean except in my capacity as teacher in the Medical Faculty. But, I was also teacher at the Foreign Science Faculty. Even as in the University he had nothing to do and certainly with my job outside of the University. In practice I merely had to send him a note every

six months saying "I will hold a lecture on this subject and on such and such days and at such and such times," and, then the technical correspondence which a Dean has to exchange with an instructor. He had to have my telephone number, he had to have my address, and he had to know my personal data, too.

Q. In any case, this Institute and the work which was done there, he had no control of?

A. No. It is quite out of the question.

Q. Did you not feel it your duty as a scientist from 1944 on to report to Rostock as head of the Department of Science and Research -- to give reports about your research you had planned or carried out?

A. No, I had enough to write without that. I didn't write to anyone on my own initiative.

Q. Did Rostock ever give you any instructions or requests in this connection?

A. No. I never received any such requests from Professor Rostock.

Q. Thank you.

BY DR. SAUTER (Counsel for the Defendants Blome and Ruff):

Q. Professor Rose, the defendant Ruff, or rather the defendant Blome -- I must correct myself -- as you know, is the only defendant whom the Prosecution brings into any connection with plague experiments. This assumption of the Prosecution, if I may refresh your memory Professor Rose, is based on the file note of Professor Klicke, which you know, of the 23 February 1944 -- Document 1309, Exhibit 326. I should like to read to you the passage which refers to plague, to recall it to your memory. The file note says:

"Professor Blome is of the opinion that above all a check of our vaccines, and particularly plague vaccine, is necessary. Corresponding experiments on human beings would have to be conducted."

And later it says: "Professor Blome at the end asked whether

the Chief of the Wehrmacht Medical Service of the Inspectorate of the Wehrmacht knew that in European Turken 4,000 cases of plague have occurred."

Following this quotation -- the document of February 1944 -- the Prosecution charged the defendant Bloem that he was in some connection with criminal experiments with plague which were either carried out or planned. Now, Professor, I have seen from your list of publications that you yourself wrote two papers on plague. Is that true?

A. Yes.

Q. And, from a document in your Document Book I see that you were sent to the Netherlands East Indies and to Kwangsi to deal with plague problems. Is that true?

A. Yes, that is true.

Q. Then I may consider you an internationally recognized expert in this field and you will be able to give me some information on a few points so the Tribunal may be able to get a picture whether plague experiments with which Bloem is charged are permissible and when they are considered criminal?

A. Yes.

Q. Dr. Rose, can you tell me whether according to medical ideas and medical or research practice throughout the world it was generally customary in former decades that in producing plague vaccines experiments on human beings were carried out?

A. Yes. One must distinguish between two times. The first time when plague vaccination was carried out with killed bacilli. That was quite in the beginning of the study of vaccines. The first experiments had the character of experiments on human beings. They were carried out by Haffgen in Bombay. On the basis of these experiments it was developed to the point that in the future one had only to make tests of tolerance which cannot really be called experiments on human beings any longer. Nevertheless there was once a very

unfortunate incident. During these tests sixteen people died of tetanus. That is a well known thing historically. That was contamination of the vaccine. Since then there has been a general regulation that vaccines have to be tested beforehand for tetanus. That is because of this incident with the plague vaccine. But then there comes the modern development of plague vaccines which I have already had to mention in describing the historical basis of the work of Professor Hagen. That is the development of vaccines from living avirulent plague bacteria. Since these vaccines have been introduced if one begins with the production of these vaccines an experiment on human beings is always unavoidable. That was done for the first time when the procedure was introduced by Dr. Strong who laid the foundation for all this work. Then all this work was repeated again in the 20s by Dr. Otton in Java. The reason was that this old system of Strong and Otton had been lost. Therefore the whole thing had to be repeated. At the same time he, independently of Otton, the same experiments were carried out in Madagascar.

Q. Professor Rose, I am primarily interested in the following: And that is the reason why I go into this question and I ask you in answering it to consider this purpose of clarification. These experiments which Professor Strong, I believe that he is an American, and other foreign scientists carried out, reports were given in Journals by professional Journals. Do you know which ones, primarily?

A. American work was published in the Philippine Journal of Science.

Q. Do you know, Professor, what the reputation of this Philippine Journal is, whether in America and England it has a high reputation and is read very much or whether it is an obscure paper. Perhaps you will comment on that always remembering, Professor Rose, what influence these publications had on the development of medical ethics, conception of profession of medicine the permissibility or illegality of such experiments on human beings?

A. That is a very well known, very important paper. Doctors of tropical medicine quite generally read it. Especially if they work in the Far East but, for example, the paper has a representative in Germany and it has a representative in the States.

Q. Then apparently it is a very widespread journal?

A. Well, what do you mean by widespread? As a professional paper in professional circles yes, it is widespread. If you compare it with the circulation of a daily newspaper, then it is, of course, restricted to a very narrow group.

Q. As far as I know, it is read quite a lot in Germany. In any case, I have noticed that all the issues of this journal are available even today in quite a number of medical societies and libraries. Do you know that?

A. Well, we had it in our library in Berlin and then a friend of mine, Professor Ziemann in Berlin, subscribed to it personally, but it was enough for me that it was in our library.

MR. HARDY: May it please Your Honor, it seems to me that defense counsel has gone a bit far afield. I think it might be suggested that defense counsel confine himself to the issues at trial here.

THE PRESIDENT: The questions of counsel are pertinent to certain matters before the Tribunal. He may proceed, of course, confining himself within reasonable limits as to repetition and so on.

DR. SAUTER: Mr. President, I believe that the Tribunal, in this point which we are just dealing with, must show a certain indulgence to the defense.

THE PRESIDENT: The Tribunal, counsel, overruled the objection by the prosecution. You may proceed.

BY DR. SAUTER:

Q. Professor Rose, do you believe that a scientific journal of the significance and wide-spread importance of this Philippine journal had considerable influence on the development of the conception of the medical profession in regard to such experiments on human beings and still exercises such influence today, and that the things printed in such serious journals, if they are written by internationally recognized scientists, are given special acknowledgment and recognition by the medical world?

A. It is, of course, clear that important scientific journals, in part, reproduce the ethics of the profession and also influence it. That is true.

Q. Professor Rose, you know the publications of the professor whom you just mentioned. You read these publications, and what can you tell us about what this man writes about the quality of the experimental subjects?

A. In the first paper on plague vaccines, he says that he began with criminals condemned to death and that he continued the experiments on other persons. It is not indicated exactly what these other persons were, but according to the whole discussion of the experiments one can assume that they were also prisoners from Billibit and that is likely also because from other works by him one can see it repeated that he worked on prisoners in Billibit. And I have some knowledge of my own on the subject because I discussed this whole matter with Filipino doctors when I was in the Netherland Indies to study plague control. I was with two Filipino doctors and, of course, we discussed the foundation of this whole work which came from the Philippines.

Q. Professor Rose, you spoke of Billibit. That is a

penitentiary, I believe isn't it?

A. Yes, a penitentiary near Manila.

Q. Does the author, this highly respected Professor Strong, say anything about these experimental subjects being volunteers, or is he silent on that subject?

A. The work on plague says nothing about it and even if it said so, no one would have believe it at that time, because to inject living plague baccilli, even if it went off well, was criticized by experts and it was said that it was too dangerous. Of course, a layman would not volunteer for such things.

Q. Does Dr. Strong - I believe that this Professor Strong is the same man whom you mentioned a few days ago?

A. Yes.

Q. And you told the Tribunal that you knew him personally, I believe?

A. Yes.

Q. That you knew him as a man of specially high conception of his duty as a doctor. That is the same man?

A. Yes.

Q. Does Professor Strong write anything about deaths resulting from his experiments on prisoners?

A. Not in the case of the plague experiments, but in his Beri-Beri experiments he does.

Q. Those were also experiments which Professor Strong carried out?

A. Yes, also in Billibit.

Q. And how great was the percentage of deaths? Do you know anything about that?

A. In the beri-beri experiments, one out of twenty-nine.

Q. Professor Rose, we had this Philippine journal here. We still have it here. We have looked through it thoroughly and we have established - and I should like to know whether you can confirm this - that this report of Professor Strong, which you just told us about, is not the only report of this type but that in almost every issue of this journal there is a report on similar experiments on human beings. Is that true?

A. That is correct. That is one of the reasons why the magazine had such great significance because there were very many fundamental discoveries which were announced in it.

Q. Do you remember, professor, how great the number of experimental subjects in Strong's experiments was? How many people that he said himself he used?

A. In the plague experiments, there were nine hundred, and I don't remember the other things well enough to be able to give you figures. I, of course, was primarily interested in the plague work. If you still look at the German medical weekly of 1937, there in the Berlin Medical Society, in the discussion, I referred specifically to this plague work of Strong's.

Q. Do you also know from this journal, professor, that for these experiments the Governor of the Philippines expressly gave his permission?

A. That is said in the paper, and that is to be assumed because Strong was not the prison doctor.

Q. You say Strong was a prison doctor?

A. No, I said he was not.

Q. Do you believe, professor, that if Strong - that even if Strong does not go into the question of Volunteering, one can assume that the large number of nine hundred

experimental subjects in the plague experiments alone allowed the conclusion that these were all criminals condemned to death, in the first place, and second, that they had all volunteered?

MR. HARDY: May it please Your Honor, this material concerning the experiments of Professor Strong Falls right in the category of other material and experiments in other countries. The Tribunal has ruled that this may be introduced at a later time in the trial and, at that time, the Tribunal will rule as to the admissibility of such evidence. It seems that the publication is available in the Philippine journal and he is merely questioning the defendant on what exists in this publication. I think that may well be introduced at a later date and can be ruled on at that time and not take up the time of the Tribunal now.

THE PRESIDENT: The suggestion of counsel for the prosecution is well-taken. The matter of the contents of this publication in the Philippine journal may be gone into at some later date during the trial when the copies may be produced and all such publications can be considered at one time.

DR. SAUTER: Mr. President, I ask permission to complete my questions about the Philippine journal. I believe I have only one or two more questions and then I will be finished with the subject and then, Mr. President, I do not want these questions about the Philippine journal to be thrown into the whole group of things that are to be eliminated or the one at the end of the trial. I'm not asking about general experiments in the whole world, I'm asking specifically about plague experiments, and that is because the defendant Blome is the only one who is

specifically charged with plague experiments, and because I am interested in determining whether Professor Blome can be declared a criminal for plague experiments which he did not conduct while some foreigner, who had conducted experiments, is not a criminal but is glorified. I believe this question has to be settled and therefore I ask permission to deal with the one or two questions which are still necessary to settle this matter.

JUDGE SEBRING: Do you contend that this witness knows anything about these experiments other than is written in this journal? If it is simply a question of what is contained in the journal, the Tribunal must read it for itself. You have been asking him whether he knows what is contained in the journal and if, in his opinion, the language is such as to justify the belief concerning whether these were or were not volunteers. Whether in the last essential if they are written I apprehend that perhaps it is the function of this Tribunal to determine, in the last analysis, whether or not the language is susceptible of the interpretation that they were or were not volunteers.

DR. SAUTER: The situation previously in connection with these plague experiments, the witness having talked about is different, because on the one hand Professor Rose knows the author, and the scientist who conducted these experiments personally. He was in the Netherlands -- India and in China himself and studied these questions, that is, he is an expert of the very first language in this field, and the second point is that Professor Strong, who actually did perform such experiments that Blome is accused of, although he did not perform them, Professor Strong is an internationally recognized scientist who acquired special respect in the medical world for these plague experiments. I am of the opinion that we jurists must be grateful if an internationally recognized authority like Professor Rose can give us information about these medical questions, because he had nothing whatever to do with these plague experiments. For this question he is merely an impartial expert, but I believe I have only two more questions on that subject, and then the chapter will be finished.

BY THE PRESIDENT:

Q. Professor Rose, do you know of your own knowledge whether or not the men used for the plague experiments were or were not volunteers?

A. I was not present myself at the experiments, but during my investigation of plague in Java when I cooperated and collaborated with a number of Asiatic doctors, among them Siamese, Chinese and two Philippines. Since we were interested in plague and since we were studying the problem of living plague vaccine, of course we discussed the foundations of the whole business very thoroughly and two of the Philippine doctors were present, and I remember one conversation when the other Asiatic gentlemen attacked these experiments rather violently and said that was a typical example of the white race misusing the natives, and the two Philippines who were most interested in this question they observed, they said that even if the experimental subjects had not all been volunteers, and of course there

were different opinions on that subject in Manila, that they as Philippine doctors who had known Strong, on the basis of this personal knowledge, were perfectly convinced that this was not a misuse of natives but a very reliable work in the interests of the peoples of Asia; not only the Philippines but the Indians and Siamese as well, who were cursing Mr. Strong. From this conversation I know what Philippine doctors thought about these experiments. That is the source of my knowledge, but since we were working on nothing else but plague at the time, we of course discussed these matters in great detail. Strong's work was the basis on which we did all our work. That was in 1935 in Bandung on Java.

Q. Then it is generally understood in your profession that Strong used prison inmates, is that correct?

A. Yes.

Q. And the opinion is divided in your profession as to whether these prisoners were or were not volunteers, is that correct?

A. Yes, that was expressly said by the Philippine doctors, that they did not believe that they were volunteers. Professor Strong did not always say so. Many of his papers say nothing about it, but in others he does maintain it, but on the spot the people did not believe it. It is often the case in medical works it says "these are volunteers and ---"

THE PRESIDENT: Counsel, was the matter of the proposed interrogation covered by the answers by the witness to the questions propounded by the Tribunal?

DR. SAUTER: I have only one more brief question on this matter of plague, one single question on plague.

THE PRESIDENT: Proceed to propound your question to the witness.
BY DR. SAUTER:

Q. Professor Rose, one final question on the problem of plague: did you ever hear that any authority in the whole World, whether the church or the Government or the medical professional organizations

or any one, objected to these reports of Strong and similar scientists, for example in the Phillippine Journal, and called these experiments criminal, specifically whether the church, Christian or non-Christian, protestant or Catholic, took this point of view.

THE PRESIDENT: The witness may answer that question yes or no.

A. I beg your pardon, unfortunately it is impossible. Very exceptionally there were criticisms, not of Strong specifically but of other work which I know of, but on the whole I never heard such criticism, such criticism was always an exception. I am very sorry that I could not observe your instruction.

Q. One brief final question on another subject, only a correction. It is some thing which the Tribunal asked -- a very brief question, Professor. In the examination of Professor Rostock the Tribunal asked whether immunity can be ascertained by blood test, that is whether an experiment with human beings is absolutely necessary; did you understand the question?

A. Yes.

Q. Is that correct?

A. In the direct examination by Dr. Fritz I have already answered this question. I don't know whether it escaped your notice, Dr. Sauter. I know you have a document, I believe it is No. 24, which you wanted to submit on the subject.

DR. SAUTER: Then I have no more questions, Mr. President.
Thank you.

THE PRESIDENT: The Tribunal will be in recess for a few minutes.

(Thereupon a recess was taken)

THE MARSHALL: The Tribunal is again in session.

THE PRESIDENT: Any other questions to the witness on the part of any defense counsel?

BY DR. WEISGERBER: (Counsel for Defendant Sievers.)

Q. Professor, Document NO. 123, Exhibit 303 of the Prosecution, was the object of discussion yesterday between you and your counsel. This is the letter from Professor Haagen to Professor Hirt of 9 May 1944, regarding experiments with a dry typhus vaccine; I shall have it put to you in case you don't have it in front of you?

A. Thank you, I have the entire Document Book No. 12 and have it open to the correct page.

Q. The contents of this letter were literally the contents that Sievers sent on 19 May 1944 to the Chief of the SS - W.V.H.A. and this letter was put in by the Prosecution as Exhibit 304. Yesterday you concerned yourself only with the medical importance of this letter; now I ask you, since my client is not a doctor and has no medical knowledge; can a lay-man see from this letter that the vaccinations with the vaccine developed by Haagen, except for a fever reaction that lasts some time, could have any fatal or infectious effects on the person inoculated; can a lay-man see that from this letter?

A. Let me correct this one error first of all, I did not discuss this Document yesterday with Dr. Fritz, the Document discussed yesterday was Document No. 127. The whole question to which this letter refers, however, I went into at great length with Dr. Fritz.

Now, to answer your specific questions. A lay-man can, in my opinion, not deduce such matters as you brought

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forth from this letter for the simple reason that there
is nothing to that effect in the letter; how then
could a lay-man find anything in there if the expert
could not.

Q The defendant Sievers drew only the conclusion, from what Haagen said, that this was a testing of the vaccine, a protective vaccination such as are given millions of times in protecting against all sorts of diseases. Can any objection be raised to that point of view or could one say he also had to take something else into account?

A No, that is also my conviction, and I am today still firmly convinced that Haagen worked in a completely irreproachable way, and neither from witnesses nor from documents have I been able to find anything that contradicts that. I stated specifically yesterday that only this document 127 — if I had received this document, I should have become suspicious and would have asked questions, but that is the only one from which it could be deduced that he intended anything that was incorrect.

Q Then no layman who was not an expert could have seen that?

A I don't even know whether Sievers saw this letter, document 127; and, of course, it is very difficult for a specialist to judge what a layman might deduce from something like this. As a specialist one is always inclined to see matters much more simply, and to believe that because one understands one's self that others must also understand; but we often find out that is a very considerable error. I consider it quite possible that even if Sievers had seen this document 127, nothing particularly would have struck him in it.

Q And if he only saw document 123 —

A There is nothing in it at all. There is only mention of vaccines.

DR. EISENBERG: No further questions.

THE PRESIDENT: Are there any other questions of this witness by defense counsel?

If not, the Prosecution may cross-examine the witness.

CROSS EXAMINATION

BY MR. McHANEY:

Q Professor, as an officer in the medical service of the Luftwaffe, were you not ultimately subordinated to the defendant Handloser as Chief of the Medical Services of the Wehrmacht?

A I was subordinate to the medical office of the Luftwaffe. The Chief of the Medical Service of the Wehrmacht I did not regard as my superior officer, in the same way as I did regard my superior in the Luftwaffe.

A I don't care whether you regarded him as your superior in the same way. My question was whether he was not ultimately your superior as Chief of the Medical Service of the Wehrmacht?

A No.

Q You did not state such a thing to me on the 31 October 1946?

A No, I certainly didn't say that. He could ask me for professional expert opinion, but that does not mean he was my superior officer by any means.

Q Well was either Hippke or Schroeder your superior officer?

A Hippke and Schroeder were my superiors.

Q And was Handloser the superior of Hippke and Schroeder?

A I am a scientist but not an expert in matters of military organization, and after Generalarzt Hartleben testified on these questions, I as a scientist should prefer not to enter upon this field. I believe that my answers would only cause confusion to the whole question and would not add to the discovery of the truth.

Q We will leave that up to the Tribunal to decide. Did Handloser have any consulting physicians attached to his staff as Chief of the Medical Service of the Wehrmacht?

A No, he had no consultants of his own; so far as I know, there was an agreement between the chief of the Medical Service of the Wehrmacht and the Medical Inspectorate of the three branches of the Wehrmacht to the effect that Professor Handloser could call upon for scientific consultations the consulting medical officers of the three Wehrmacht branches.

Q. If Handloser issued any general instructions as Chief of the Medical Services of the Wehrmacht, you would have been bound to follow those instructions, would you not?

A. For instance, he issued a directive on the inception of the malaria prophylaxis. But here again I cannot testify whether that was a binding order or whether that was simply a proposal. That is a question of military subordination, regarding which I really cannot give you any information. I know only that the date was fixed when the malaria prophylaxis should begin in the Luftwaffe in agreement with this proposal by Professor Handloser. But that took place so that all branches of the Wehrmacht should be working simultaneously on this matter and I do know that is what happened. Now, whether that happened on the basis of an order or a voluntary agreement, that I cannot tell you. As a scientist I never concerned myself with these things and since they are of importance in this trial I would consider it careless to say anything about it.

Q. You also know that Handloser as Chief of the Medical Services of the Wehrmacht controlled typhus vaccine production for all the branches of the Wehrmacht, don't you?

A. I do not know that he controlled the production but I do know that he had charge of the distribution of the vaccines to various branches of the Wehrmacht. But, before that, the Army Medical Inspectorate had had charge of that because before a chief of the Medical Services of the Wehrmacht existed the three medical chiefs agreed voluntarily that the Army, as the largest branch of the Wehrmacht, should undertake this distribution because, since the vaccine was very scarce, all the branches of the Wehrmacht were trying to get special rights for themselves with various factories that produced vaccines. Thus the danger arose that someone who was particularly clever at this would get a large amount and the branch that needed it most of all, perhaps, but was not quite so clever, would get the short end of the stick. Therefore, at the beginning of 1943 the three medical inspectorates voluntari-

ly agreed that the Army Medical Inspectorate was to do the distributing. And, so far as I know, the Chief of the Medical Services of the Wehrmacht carried on the same policy.

Q. As I recall, in one of the letters to Haagen from the Medical Service of the Luftwaffe, I think it was the letter written by Kant and which you admit having some knowledge of, mention was made that the production of typhus vaccine by Haagen would have to be taken up with Handloser. Isn't that right?

A. Yes, that is in the letter and that may be traced back to that old agreement of the year 1942, because at that time it was also agreed, so far as I remember, that in case any branch of the Wehrmacht set up its own production facilities the Army Medical Inspectorate should be informed of this. The reason for this measure was to prevent one branch from producing for itself one hundred thousand doses and still receiving its entire quota as if it had no production of its own at all. But, as I said, these are rather administrative matters, of which I heard incidentally. For instance, I knew that there were individual agreements but I unfortunately do not know the precise text.

Q. It is true, is it not, that after the war with Russia began the typhus problem became very acute?

A. Yes.

Q. Typhus was not common in Germany, was it?

A. Before the war there was no typhus in Germany at all.

Q. And to meet this typhus problem you could do two things, couldn't you? One was combat lice with disinfectants such as Zyklon B, and the other was to produce protective vaccines.

A. Yes.

Q. This Committee which you were on with Dr. Peters was very much interested in Zyklon B, was it not?

A. It concerned itself with disinfectants in toto and that included also the interest in Zyklon B. But Zyklon B, namely, prussic acid, was not a very serious problem in this matter. At any rate, from my point of

view, I was representative of the civilian consumers and the civilian consumers received no prussic acid at all. There were only eight firms that were permitted. They had to present their requests for disinfectants and then received their quota. So that prussic acid was the thing that could be settled most easily in this whole matter. It therefore did not play such a large role. Of course, it did play an important role purely in the production question, but this was not settled by the committee because the committee simply had to distribute those disinfectants and chemicals which were made available by Main Group Chemicals for distribution. And prussic acid is used not only as in insecticide but is also very important in manufacture. For example, in the production of unbreakable glass prussic acid is used and etching and tanning procedures make use of prussic acid. And prussic acid is used in agriculture as an insecticide, and all these matters were decided higher up. This working committee for insecticides received from the whole total available amount of prussic acid that amount of prussic acid that was made available for combatting of insect pests dangerous to human health. The agriculture insect pests were taken care of by another committee and they received amounts of prussic acid from somewhere else; in other words, not prussic acid that we controlled. And industry in its turn received its share.

Q. Was the same type of prussic acid used in insecticide control as in agriculture or manufacturing uses?

A. Regarding the agriculture insect pests I am not well informed. But, I should like to assume that this is so because the main characteristic of Zyklon B is that it contains an agent that smells. Prussic acid has no smell itself and when we deal with the insect pests dangerous to human lives we added this agent that smelled as a warning that this was prussic acid. Then this, of course, was the same point of view the people fighting agriculture insect pests had, because they were just as interested in being warned by the smell as the disinfectors, but I can't say that for sure because I had nothing to do with combatting of agriculture insect pests.

Q. Now the disinfectors, that is, the insect control people, had to obtain their prussic acid from your committee or through your committee, did they not?

A. The prussic acid was assigned to these eight firms by the committee.

Q. Now, would the extreme necessity for the large scale production of typhus vaccines and the resultant experiments on human beings in concentration camps have arisen had not Germany been engaged in a war?

A. That question cannot simply be answered with "yes" or "no". It is, on the whole, not very probably that without the war typhus would have been introduced in the German camps, but it is not altogether without bounds of possibility because also, in times of peace, typhus has been introduced in individual cases from time to time and the primary danger in the camps is the louse danger, and infections with lice take place also in times of peace. Then, if typhus is introduced into such a camp that is infected with lice, a typhus epidemic can arise in peacetime also, of course.

Q. But Germany had never experienced any difficulty with typhus before the war. Isn't that right?

A. Not for many decades, no.

Q. You stated that nine hundred persons were used in Dr. Strong's plague experiments?

A. Yes, I know that number from the literature on the subject.

Q. What is the usual mortality in plague?

A. That depends on whether it is bubonic plague or lung pest. In one, namely, bubonic plague, the mortality can be as high as sixty or seventy per cent. It also can be lower. In lung pest, the mortality is just about one hundred.

Q. How many people died in Dr. Strong's plague experiments?

A. According to what his reports say, none of them died, but this result could not have been anticipated because this was the first time that anyone had attempted to inoculate living plague virus into human beings, and Strong said in his first publication in 1905 that he himself was surprised that no unpleasant incidents occurred and that there was only this severe fever reaction. That despite this unexpectedly favorable outcome of Strong's experiments

the specialists had considerable misgivings about this procedure can be seen first of all from literature where that is explicitly stated; for example, two Englishmen say that, contrary to expectations, these experiments went off well but nevertheless this process cannot be used for general vaccination because there is always the danger that, through some unexpected event, this strain again becomes virulent. Moreover, from other works that Strong later published it can be seen that Guinea pigs and monkeys that he vaccinated with this vaccine, died, not of the plague but of the toxic affects of the vaccine. All these difficulties are the reason why this enormously important discovery which Koller and Otto made in 1903, and Strong in 1905, has only been generally applied, for all practical purposes, since 1926. That is an indication of the care and fear with which this whole matter was first approached, and Strong could not know ahead of time that his experiments would turn out well. I described here the enormous concern that Strong felt during all these months regarding the fact that that might happen which every specialist feared, viz. that the virus would become virulent again. That is an enormous responsibility.

Q. Be that as it may, nobody died. That is a fact, isn't it?

A. If anyone did die, the literature says nothing about it.

There were mortalities only among the monkeys and Guinea pigs that are mentioned in the publication. If human beings died, there is no mention in the publication. It is generally known, if there are serious accidents in such experiments as this, they are most reluctant in making them public.

Q. Now, Professor, I have no wish to limit you but, as I understand it, you have explained these things in considerable detail during the four days in which you have already testified. If you can give a short answer to my question that is all I want. If I want any further explanation I'll ask you for it.

Now, what is the normal death rate in beri-beri?

A. That depends on the medical care given. If the care is good, the mortality is zero, and if they have no medical care at all, then a lot of them die.

Q. Sixty to eighty per cent would probably die if they were not treated. Is that right?

A. Beri-beri lasts for many, many months before a person dies and you don't die in sixty days of beri-beri, that has to be a severe case.

Q. How many people did Strong use in his beri-beri experiments? Is twenty-nine all you know about?

A. So far as I know from the literature, the number was twenty-nine.

Q. Well, it says in the literature that he used only twenty-nine. Is that right?

A. So far as I know, yes.

Q. And one of those died?

A. According to what the literature says, one of them died.

Q. What is the mortality in typhus?

A. That varies enormously. It depends on the epidemic. In some epidemics the mortality is five per cent. In general, you count on a mortality of twenty per cent. In the Serbian-Albanian epidemic in 1915, there was a mortality of seventy per cent, but that mortality rate is so extraordinarily high that it is generally assumed that probably, in reality, there were more cases of typhus than were actually reported on.

Q. Well, we could take roughly five to thirty per cent as the mortality. Is that right?

A. Yes, that is what the text books generally say.

Q. What was the mortality in the Buchenwald experiments, Professor?

A. In the controlled cases in the experiments that I knew of, the mortality was thirty per cent.

Q. Among the controls, you figured thirty per cent?

A. Yes. There were ten control persons in the first group of experiments, and of them, three died.

Q. Three died? Well, but I assume that you have read through the Ding Diary and let us assume for the moment that it is correct. Didn't you say that they also used control persons in the four or five other series of experiments.

A. In the controlled cases where they were testing the vaccine, the general mortality was thirty per cent. But then there were these therapeutic experiments in which, according to the Diary, blood infections were undertaken and, in this case, the Diary does mention an unusually high mortality rate.

Q. Well, professor, for your information - we have figured out five control series in the Ding Diary, and I mean by controls those that were not treated with anything. The mortality ranges between fifty-four to one hundred per cent and averaged eighty-one per cent. Do you accept those figures as correct? I mean, do you think that's right?

Q. No, that does not correspond with the impression I got from the numbers in the Diary, but I didn't calculate it so precisely as all that. I looked at the individual experiments and it is true that, for instance, in those therapeutic experiments Ding's work mentions a mortality of something like fifty to fifty-five per cent, and then there is one series that deals with blood infection where of twenty people I believe nineteen died.

Q. Let me put it to you, Professor. Isn't it a fact that they weren't dealing with epidemic typhus in Buchenwald, but with a super-typhus, developed from man to man passage, which was much more virulent and much more deadly than any typhus you could expect in an epidemic?

A. That I cannot judge because I have no knowledge of the work done in Buchenwald and can only refer to what Ding's Diary says,

which I regard as unreliable.

Q. Well, if you regard it as reliable, Doctor, and if you figure out the deaths among the untreated control persons and find a mortality which averaged eighty-one per cent, won't you, as a scientist and an expert on tropical diseases, concede that they had developed a highly virulent, something we might call a super-typhus, in Buchenwald? Isn't that right, Professor?

A. As a scientist I am accustomed to state my opinion on the basis of reliable documentation, and not on the basis of such falsifications which are produced for a special purpose.

Q. I can appreciate that you don't regard the document as reliable, Professor, but we'll investigate that a little later. Pursuing the same point which I have been putting to you and in reference to your answer about epidemic jaundice, are you prepared, as an expert, to state that a man to man passage of an epidemic jaundice virus could not bring about a new disease which might be quite deadly?

A. I have no personal experience in this since I never tried out any such experiments. I can only rely on what is said in English and American literature where such passage from man to man was carried out in more than six hundred cases, and no increase in virulence was observed. Moreover, the passage from man to man is the normal form of contagion in all infectious diseases which is not transmitted by any intermediate agent. For instance, diphtheria is transmitted only from man to man with no carrier, and meningitis is the same. If a new meningitis epidemic breaks out, then the mortality is, at the beginning, very high. It can be as high, for instance, as fifty per cent in meningitis. Then, after the epidemic has been in any one area for quite a while, the mortality drops. This is a pretty general epidemiological law. That is not true only of meningitis, but of many other contagious diseases; namely, that the epidemic is more dangerous at the beginning than at the end of its course.

Q. Well are you sure that epidemic jaundice is transferred without any intermediate area agents, is that right; do you know how it is transferred?

A. That is my scientific conviction, which I also stated during my interrogation in Letema. An excerpt of it is here as a document. It says there that we on the bases of our objections were convinced that hepatitis epidemic was not transmitted by a carrier, but that the infection occurs directly from man to man. In case this is important to you I could find you the passage in the document, but perhaps my mention suffices.

Q. Going back to the typhus experiment as an expert, are you prepared to tell this Tribunal it makes no difference in the severity of disease typhus if a man is infected by a bite of a louse in comparison to having two cubic centimeters of typhus infected blood injected intravenously?

A. Certainly. First of all there is a difference in the amount of the infecting agent, and the mass of the infecting agent always plays a great role in any such infectious disease.

Q. Well, when you have two cubic centimeters of typhus infected blood injected into a man's blood stream, might not a scientist expect the disease would be so severe as to break down any protection?

A. One would have to have experience in this respect. Then one is very much inclined to make that assumption, namely that an infection with two cubic centimeters of blood would cause more serious illness than an injection with say one-tenth of a centimeter of infected blood. That is the assumption one would have about this from the very beginning, but what the course of the disease really is, that would have to be observed.

Q. And it would take a simultaneous biting from about a million lice to put two cubic centimeters of infected blood into a man, wouldn't it, doctor?

A. I have never figured that out. Moreover the concentration

of the typhus virus in the blood is not precisely known to me. The lice feces contain the virus in great numbers, whereas in the blood these virus is so sparsely present that its presence cannot even be proved with a microscope, and to that extent the amount of two ccs of blood could not be measured with the amount of feces that a louse produced, because I assume you are referring to that the louse's bite does not transmit typhus at all. The saliva of the louse is not infectious, but apparently you were referring to the infectious feces of the louse which then gets into the louse bite.

Q. Professor, as I understand it, you and the co-defendants, regard the experiments of Strong with plague, and beri-beri involving around 950 men with one death, and the experiments of Blanc in Africa where there were no deaths, and the American malaria experiments where there were no deaths, as being quite a good precedent for the Buchenwald experiments with death around 290, with Schilling's experiments, where another Tribunal has found over 400 cases of deaths, either directly or indirectly, or the experiments of Haagen where the truth before this Tribunal shows 50 deaths, is that right?

A. You have referred to quite a number of cases which are partly absolutely not so. For instance no proof has been given yet that in the case of Haagen's experiments..... (no translation, because of sound system).

Q. Will you repeat your answer please. I got no translation.

MR. McHANEY: If the Tribunal please, we might take an adjournment at this time, and the witness might have the intermission to consider his answer.

THE PRESIDENT: The Court will be in recess until 1:30.

(Thereupon a recess was taken until 1:30 p.m.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 24 April 1947.)

THE MARSHAL: The Tribunal is again in session.

MR. MC HANEY: Before continuing with cross examination, the prosecution requests that the Tribunal order at this time that Document NO-1852, which was marked as Prosecution Exhibit 456 for identification, be made available to the defense counsel for Karl Brandt, Dr. Servatius. I understand an order of the court is necessary to have the original exhibit removed from the vault.

THE PRESIDENT: The Tribunal directs that the original of prosecution exhibit for prosecution's identification 456 be brought into the court - be exhibited to counsel for the defendant Karl Brandt.

GERHARD ROSE - Resumed

CROSS EXAMINATION (Continued)

BY MR. MC HANEY:

Q. You recall the answer I put to you before lunch. Will you please answer.

A. When the sound system broke down this morning, I just said that in the question which was put to me several assumptions are wrong and I must correct them. You said that in Professor Haagen's experiments 52 people died. In reality, that has not been proved, nor did any people die at all there. It believe that I cannot go into detail on this question here since that would be an argument and I was not permitted to do that on direct examination and I assume that I may not do so in cross examination either. You also said that in Professor Schilling's experiments 300 people died. This also is untrue. Through your witness here it was said that not a single person died of malaria in Schilling's experiments. The witness Vieweg said that. He also said that seven persons died from incidents in the course of treatment and errors in treatment. It is true that in Document Book 4 submitted by you the number 300 dead is given. These are supposed to be in some connection with the malaria experiments. I must assume that the court in Dachau had some

expert who expressed his opinion to that effect. I personally should like to say that I would rather be a defendant here than give my signature as a court expert to a document certifying that 300 people supposedly died after a disease which, according to proof, is not fatal like malaria tertiana. And considering the seven dead in Schilling's experiment, I should like to say that I personally should not like to be responsible for seven dead - seven dead would be enough of a burden for me. A single person who died from my negligence as a doctor would be an enormous burden on my conscience. I don't intend to quibble about the number of dead, I just merely wanted to make a correction.

And then you gave figures from the Buchenwald experiments. There again there are great differences between the numbers of dead in the experiment ordered by higher government authorities, and the experiments which Dr. Ding apparently carried out on his own initiative, to judge by his diary. After this correction of the assumptions I come to the answer.

You asked me whether I considered the indicated human experiments as a precedent which justified those experiments which are the subject of the indictment. I may say that of course one can only compare things which are comparable. In my direct examination I did not give any examples of human experiments. I mentioned only two cases of fully permissible experiments where I knew the details, in order to explain what the mental burden on the doctor in charge of the experiment is, and what his responsibility is. But if one wants to use these experiments as a comparison with those which are the subject of this trial, then in one case such a comparison is actually possible. For example, if you take the beri-beri experiments of Professor Strong, a disease was intentionally induced which involved severe suffering for the experimental subjects and one death, in spite of careful medical attention. This death was, of course, not such a great burden on the person in charge of the experiment since the person was already condemned to death as the paper says. As far as I can see, that would more or less correspond to the

experiment of Professor Gebhardt. He had 70 experimental subjects and had the misfortune of having three of them die. The others had severe illness. The mortality was about the same, three percent, and illness was caused with all the subjects. If you take Professor Mrugowsky's aconite, then there is no comparison in the examples which I mentioned, but one can compare this execution with the poisoning of people condemned to death by carbon tetrachloride. That has not been quoted yet. I have intentionally not mentioned anything of the experiments because I know the ruling of the Tribunal that they had to be discussed only later. But in these poisonings with carbon tetrachloride, instead of hanging the people they were poisoned with carbon tetrachloride, and insofar as the poisoning was not fatal they were hanged later and their livers were examined in order to establish the effect of the carbon tetrachloride. That would be a parallel to this execution.

And if you want to take the Buchenwald passages, if you want to have a comparison, I'd mentioned Adler's experiments where all the experimental subjects died.

One can only compare what is comparable. Schilling's malaria experiments on prisoners can compare only with the American malaria experiments on prisoners. Of course, I cannot tell you in detail how many incidents occurred. I know that work was done with malaria tertiana in particular and no one can die from that in Americanany- more than in Dachau. How many incidents occurred during treatment, I do not know, but I do know that work was done in America with malaria tropica too and since Mr. Simmons did not have my Pfaffenrode tropica strains, which benign and not fatal, but had the normal tropical strains, it is hard to believe that these experiments went off without any casualties.

And now the fatalities of typhus in the experiments ordered by the German Government, one can of course compare the fatalities only with the typhus experiments in American prisons. I cannot give you the figures because they have not been published yet and possibly they will not be published because of the mortality in these experiments. It is generally known that such unpleasant incidents, which are a tragedy against the person responsible for the experiments in the eyes of the public, are not pleasant and such experiments can be made public only in a concealed form. Does that answer your question?

Q Well, of course, if one assumes as you do that the proof of the Prosecution is either falsified or non-existing and that no deaths occurred or if any deaths occurred that they were purely accidental, then of course there is no point at all in talking about comparison with experiments in other countries. The only conclusion then is that the Prosecution has no case and I submit to you that the proof the Prosecution has put in that 250 or more people died in Buchenwald from the typhus experiment and 157 in the experiments themselves and 100 at least in the experimental camp.

I submit to you that the Witness Schmidt has testified that people died in Haagen's experiments, irrespective of whether you believe it and I further submit to you that another Tribunal has held innumerable

deaths occurred in Dachau.

I am asking you how you can draw any comparison, if you assume the proof to mean anything and if you don't there is no reason for me putting the question to you. If you assume the proof has some merit to it, how can you testify from that stand how there is any comparison between the experiments of Strong, where at least one person died and the malaria experiments in America where nobody died, etc. I suggest to you that possibly the difference in these experiments is that even in a prison in the Phillipine Islands and even in a prison in America, the prisoners have some rights. They have relatives, they not only vote but can sue in the courts, as can the prisoners themselves. If they are mistreated and a death is brought about they can obtain redress. I further put to you that in the concentration camps in Germany that the relatives in most cases, if they were non-German nationals, did not even know where they were; and if they died a falsified death certificate was sent to the relatives and in most cases they were regarded by their incarcerators as sub-human.

Now, doesn't that factual difference indicate to you that perhaps these experiments of Strong are in no way comparable to the experiments with which we are herewith concerned?

A First, I should like to say that I have not mentioned any experiments on human beings which are to be compared with the experiments here and I do not know why you ask me about experiments in concentration camps since you know, and the prosecution in the person of Mr. Hardy has expressly admitted that I not only objected to experiments in concentration camps, but even on experimenting on persons condemned to death. You don't assume that since I protested against it in Hitler's time, now when I am confronted by you, I am not going to change sides and begin to defend experiments in concentration camps; that is asking a little too much. I said that before and that is my stand.

Q Well very well, very well, then we needn't spend any more time on Strong's experiments. Now are you ready to concede that the typhus experiments in Buchenwald were nothing but murder; as I have understood your testimony that is the way you described it in the meeting in May of 1943; is that right?

A No, that is a distortion of my words. At the meeting in 1943 I did not say that this was murder. I said that these were serious medical experiments, which had had results of great significance and this part of my statements has been printed and is available, but in spite of this, on the basis of medical ethics, I protested against the execution of such experiments and especially against the fact that Government agencies assigned such an enormous and unbearable burden to members of my profession. That is what I said. The fact that in addition to the experiments reported at the meeting of consulting physicians, conditions seemed to have prevailed or said to have prevailed at Buchenwald, according to the testimony of the witnesses here. Neither I, nor any other participants in this meeting had any knowledge, on the contrary we were repeatedly assured at that time that the subjects were persons who had been legally condemned to death. In spite of the fact that this assurance was given at the time and there are many living witnesses who can testify to it, nevertheless I protested. Although I admit that for many people who think differently than I do, the fact might be sufficient, the fact that a person is condemned to death and they say, "Well the man has to die anyhow, then it does not make any difference if he dies in a medical experiment or whether he is executed." But, as I say, I admit that other people can have this point of view, I am not the Pope who sets up general ethics. It is not my opinion and I expressed my opinion at the time.

Q Herr Professor, did you or did you not tell Gildemeister when you talked about Gildemeister's experiments, "We might as well set up an execution chamber here at the Robert Koch Institute?"

A Yes, that is exactly what I said and that meant if people condemned to death are used for dangerous medical experiments; then that is the same thing as an execution, that would be an execution section in the Robert Koch Institute if that were the general arrangement of the Government and I did not think that was very desirable.

Q Did your witness Schmidt here before this court room, or not, testify that as he understood your objection, you were objecting to murder; did he say that or didn't he?

A Yes, Mr. Hardy, by clever questioning, succeeded in bringing the witness to make this statement, but I must know better what I expressly said and if I talked about murder at the time, it was invented for the first time by the Prosecution here.

Q Well, whatever we invent, we now want you to ride one horse or the other. Let us assume for the moment, and I know it will tax you, that just a few of these experimental subjects were not condemned to death and further let us assume that they were not volunteers and not rushing forward and saying, "Yes, you can give me typhus." Now, would that constitute a murder in your judgment if against his will he was subjected to an infectious experiment with typhus and he died?

A That is a question of judicial definition. I do not know of a legal case of death in a medical experiment ordered by the Government and approved under the laws. I do not consider myself a legal expert so that I cannot give such a definition.

Q Well, in any event, we can at least conclude that you are not prepared in any event to defend the Buchenwald experiments; is that right?

A I objected to these experiments at the time and here in my direct examination I said what I knew about the motives of the doctors who regulated these experiments.

Q And if it is a fact that Haagen killed 150 men in 1944 in Natzweiler, you are also not prepared to defend those either?

A I have already told you that in Haagen's experiments nobody died and that no proof has been given to the Tribunal here. I cannot discuss that here, that would be an argument and I was not allowed to present arguments during my direct examination, but I am quite willing to explain it to you.

When the Witness the morphia-eater Edith Schmidt was asked whether it was right that the fifty died, she said she would not like to swear to it and thus she took back her testimony. If this testimony was true that fifty control persons died, because mortality in typhus is 30%, there would have to have been 160 control persons, that would mean 450 experimental subjects and then this would be an experiment of 600 persons. And your two witnesses from Natzweiler, although they were in the camp, they did not hear anything about such experiments. Mr. Hell became very excited when you tried to say that he heard something about infection with typhus. He said, "No, I did not say anything about typhus infections. I only said as injections had been given a typhus epidemic in the camp break out sometime later." The witness Grandjean said there was a typhus epidemic was in the camp and the block with the typhus patients had been completely shut off.

A. It is nothing to wonder at. Typhus wards are shut off very carefully every where and he concluded from that if this block was shut off that experiments were being carried out.

Q. You and your defense counsel can reserve arguments about the truth of the witness Schmidt's testimony at the conclusion of the trial. I do not wish to take up any of the Tribunal's time at this time in arguing about whether or not you believe the testimony of the witness Schmidt, and if not, why not.

A. I want to avoid that. I said so twice but since you insist always on a statement is proved it is not true. I had to answer it.

Q. Herr Professor, now you are intelligent enough to know I put a hypothetical question to you. I was asking you to give certain assumptions and I was trying to bring out in a clear manner your attitude toward these experiments. Now you don't want the court to be confused about how you feel about an experiment, assuming certain facts, we understand you dispute certain of these facts, but be that as it may, it is important for the Prosecution, the Tribunal and the defense to know your attitude toward a given experiment, however, much we may dispute the facts, but since you persist in refusing to exhibit your attitude we will proceed.

A. You understand I have no inclination to discuss hypothetical assumptions here about things with which I am charged by you. I should prefer to discuss facts. Discussions of hypothetical questions are very interesting, but not in the situation in which I find myself at the moment.

Q. Let's go back to the malaria experiments. What contact did you have with Schilling in 1941?

A. During my direct examination I testified that in 1941 I saw reports about Schilling's malaria work in Italy on behalf of the Italian government and with the support of the Reich Ministry of the Interior, and then either at the end of 1941 or the beginning of 1942 I gave an opinion, a written opinion on an application which Professor Schilling had sent to State Secretary Conti, or rather to the Reich Ministry of Interior. Then I saw Professor Schilling in 1941 personally. I do not believe, I am not certain, whether he was in Germany again at that time, but I can't deny it with certainty under oath, because after all that was six years ago.

Q. Did you supply him any material while he was working in Italy?

A. No, nothing.

Q. Who was Fraulien Von Falkenberg?

A. You mean Fraulein Von Volkenhayn?

Q. No, I mean Fraulien Von Falkenberg.

A. I don't know any Fraulien Von Falkenberg.

Q. You are sure you didn't supply Schilling with any material in 1941?

A. I can't remember it. It might have been done by my department without my knowledge. Then, of course, I would take the responsibility for it, but I have not learned of it up until now. My assistants did not tell me anything about it, if it happened. If you can prove it happened, I shall, of course, assume responsibility for it, even if it was done without my knowledge.

Q. Well, it is not terribly important, but let's let you have a look at Document No. 1756. In the mean-

time when did this incident occur about your giving material to Schilling, after he had set up his institute at Dachau?

A. I beg your pardon, I didn't understand your question.

Q. When did you give Schilling material after he had gone to Dachau?

A. I cannot give any information about that myself. I have to depend on the testimony of my assistant, Von Falkenhayn, and my secretary Block. My secretary Block testified here that it was the end of 1941, but I would assume that she is mistaken about that, since Miss Von Falkenhayn testified that this material was given in the year 1942. I think the latter is more likely.

Q. Document No. 1756 will be marked as Prosecution Exhibit 486 for identification.

THE PRESIDENT: What is that number?

MR. MCHANEY: 486.

BY MR. MCHANEY:

Q. Isn't there a Fraulien Von Falkenberg mentioned in this letter of yours to Schilling, dated 3 February, 1941?

A. No, in the German copy of the document which you showed to me, it says Fraulien Von Falkenhayn.

Q. That is a mistake then in the English translation.

A. Fraulien Von Falkenhayn was an assistant in my department. She had formerly worked for Professor Schilling. There is an affidavit from her. Since I have this letter I can give you some information about the matter. Professor Schilling wanted to have a serological reaction in malaria, the so-called reaction according to Henry, that is a reaction which is carried out for the purpose of malaria diagnosis. As in the

antigen reaction, in this reaction the spleen of dead persons is used in the diet of malaria. Professor Schilling apparently wrote to me to find out whether I as head of the tropical medical department was in a position to obtain a spleen from a corpse where the patient had died of malaria. I answered saying that such material would hardly be available in Berlin. Malaria was very rare in Berlin and consequently deaths from malaria were also very rare. The only cases of this type occurred in insane asylums, in the treatment of paralytics. It is well known that the first work of Wagner Jauregg shows that in the course of malaria treatment that paralysis deaths occur, just as death occurs following operations, and such malaria deaths, of course, occurred in Berlin insane asylums. As far as I can remember the matter my assistants contacted various pathological institutes in Berlin and asked in case such an autopsy occurred there that the spleen should be preserved so that it could be sent to Professor Schilling. This was what this letter was about.

Q. Did you ever supply any to him?

A. As far as I can recall in the course of several months one or two such cases occurred and the material was sent to Schilling, but I can't say for certain today.

Q. Well you are now qualifying, at least the answer you gave to my earlier question as to whether you gave him any material in 1941, isn't that right?

A. I beg your pardon. I didn't understand the question.

Q. I say you now wish to qualify the answer you gave me a few moments before you saw the letter to the effect that you had not given him any material in 1941. You now

state you did in fact give him some after having seen the letter.

A. Yes, I am sorry. My attention was entirely devoted to the question of the malaria parasite strains and mosquitoes, but the matter of negotiations between Schilling and the pathological institute in Berlin, I did not think of that.

Q. Let's go back to what we were discussing. You stated that although Frau Block, said that the malaria eggs were supplied Schilling in the latter part of 1941, you think probably it was 1942?

A. Yes, that is what I said. Perhaps I may correct myself. When you speak of Malaria eggs you mean anopheles eggs probably. There are no malaria eggs.

Q. Yes that is right.

A. I am inclined to agree that Von Falkenhayn and Block think differently. I think that Von Falkenhayn was right and that it was in 1942.

Q. Did you know anything about this before it was sent?

A. I can't remember it. I don't believe so. As far as I remember I was informed of it by Fraulien Von Falkenhayn, in the meantime after I was given a letter from Professor Schilling that the mosquitoes were thriving in Dachau.

Q. Did you thereafter issue orders that no more material was to be sent to Schilling, is that right?

A. I did not issue a precise order. I said since we ourselves were using so many mosquitos I didn't want any more material to be sent to Mr. Schilling because I was not convinced of the scientific value of his work. But, Fraulein von Falkenhayn in her testimony says that there was further correspondence with Fraulein Lange. I have not been able to find this correspondence and I can't clear up the question completely. I have to rely fully on my assistant in this respect and I can't answer from my own knowledge. In our first conversation on the subject when I told you that Schilling got anopheles eggs from us, which you didn't know at the time, I did not tell you that he got a malaria strain from my department. I didn't know that at the time. I learned it just a short time ago from Fraulein von Falkenhayn. That was not in the affidavit. Apparently she was afraid of some misgivings and sent a letter to that effect to my lawyer. I am not so timid. I am not afraid to tell you about it.

Q. In other words you did supply a Rose strain to Schilling?

A. No. As I said in direct examination the Rose strain could not come from my department because we didn't have any strain with the name Rose. Where this strain with the name Rose comes from is a puzzle to me. I don't know of any Rose strain in malaria literature. But I don't think there is any point in quarreling about this name. The information given by Fraulein von Falkenhayn, which I believe fully, that a malaria strain is given - this is quite sufficient - and no difference whether it is called Rose or whether a Greece strain, or whether some other name.

Q. Your witness, Frau Block, testified you had no correspondence with Schilling in 1942 and 1943, as I recall. Is that right?

A. That is what Frau Block said. I myself would not have been so definite in my testimony if you asked me the same question. I would say I can't answer that question definitely. I only know one thing, that I never corresponded with Professor Schilling on the

subject of his work. Whether Schilling and I ever exchanged letters in those years I don't know since I don't have my files and such a rare correspondence as that - any information about it, whether he wrote a certain letter five or six years ago - he says "I would like to look that up in my files." Unfortunately I cannot do so but perhaps you would be kind enough if you have copies of such a letter to make it available to me. You have my files and they are much more easily available to you than to me. For example, I am trying to find my malaria opinion from the year 1941. That was in the same file cabinet from which you got the record of the typhus meeting 29 December 1941 in the Ministry of Interior.

Q. You overestimate the Prosecution, Herr Professor, but we needn't dwell on that. Now, is your memory good enough to tell us how long you continued to furnish Schilling with material for his Dachau experiments. You say that somewhere along in 1942 you told them not to send any more. Are you clear about it?

A. Yes, I think I can remember reliably.

Q. Well, when did this malaria strain go down?

A. I am sorry I can't hear you.

Q. When did you send him the malaria strain?

A. I don't know. Fraulein von Falkenhayn merely told me that the malaria strain was given to Schilling. I don't know when. She didn't mention that in her letter to Dr. Fritz.

Q. Let's look at Document NO-1752. This will be marked as Prosecution Exhibit 487 for identification. Suppose you read the letter aloud, Professor?

A. "Prof. Claus Schilling

"Dachau, 4 April 1942

"3K, Hospital for Inmates

"To Prof. Dr. Rose

"Berlin - Fohrerstrasse 2

"Robert Koch Institute

"Dear Colleague:

"I inoculated a person intracutaneous with Sporocoides from the salivary glands of a female anopheles you sent me. For the second inoculation I do not have the Sporocoides material because I do not possess the "Strain Rose" in the anopheles yet. If you should find it possible to send me in the next days a few anopheles infected with "Strain Rose" (with the last consignment two out of ten mosquitoes were infected) I would have the possibility of continuing this experiment and I would naturally be very thankful to you for this new support of my work.

"The mosquito breeding and the experiments are proceeding satisfactorily, I am working now on six tertiary strains. I remain with hearty greetings and

"Heil Hitler!

"Yours truly

"signed - Claus Schilling"

Q. Schilling apparently thought there was a "Strain Rose."

A. Yes. That is indicated by the letter. That clears up the matter. He must have renamed this strain which came from my department and called it Rose. That is very unusual. Normally a malariologist would not do that.

Q. Are those your initials on the bottom of this letter, "L. g. RO 17/4"?

A. Yes that indicates that 13 days after the letter was mailed, 12 days after it arrived at the Robert Koch Institute, I saw it. There is also the file note "Settled EVF. That is Erna von Falkenhayn on the 17 April 1942. I find that in spite of my instructions to the department Fraulein von Falkenhayn still sent mosquitoes to her old boss although she denies it today but I should like to emphasize that, of course, I am responsible for what Fraulein von Falkenhayn did even if she didn't tell me about it.

Q. Well, you saw the letter on the 17 April 1942. Did you

reaffirm your instructions that no more material was to be sent to Schilling?

A. I can't tell you today. That is quite possible. It is not even certain that I was in the Robert Koch Institute when I saw the letter. It is much more likely that Mrs. Block brought this letter to my home where such things were generally settled. And, from the fact that it had been dealt with ten days before you see that such letters were opened by my secretary.

Q. I thought we would be a bit generous with Frau Block and assume she hadn't seen the letter since she was so firm in the testimony that you hadn't corresponded with Schilling during these years.

Did you ever send Schilling any atroparvus eggs?

A. Yes. That is anopheles eggs which he got from us. As a type of anopheles in my laboratory I had anopheles eggs maculipennis atroparvus.

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Q. Suppose I put document No. 1753 to you. This will be marked as Prosecution Exhibit 482 for identification. This is another letter from Schilling. This one is dated a year later - 5 July 1943, acknowledging

"with appreciation the receipt of you letter of 30 June and the consignment of antroparvus eggs."

I would also like to direct your attention, Professor, to the last paragraph of the letter where it says:

"Please tell Frä. Lange, who apparently takes care of her breed with greater skill and better success than the prisoner August, my best thanks for her troubles."

Do you remember the Christian name of the witness Vieweg?

A. No, I am sorry I don't remember the name of this man.

Q. If you search the record I think you will find his forename was August.

Now, Doctor, apparently they completely ignored your orders of the year previous not to send any more material to Schilling. Apparently you had a change of heart yourself. Isn't that right?

A. I have already stated expressly that my orders not to send any more material to Schilling meant that we did not have too much material ourselves. It did not mean that I had any misgivings about the way in which Schilling was carrying out his work. It is quite possible that when we again had plenty of mosquito eggs we gave some to Schilling again. I am in a very difficult position. It is difficult for me to testify anything from my memory. You see here again that this matter was apparently dealt with by Fraulein Lange and Schilling himself wrote to me again.

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Q. Well, I didn't read it that way, Professor. The first line acknowledges of your letter of June 30th.

A. Well, then it's possible that I wrote to Schilling.

Q. Frau Block suffered a bad memory about your correspondence with Schilling in 1943 as well as 1942, didn't she?

A. Yes, I am rather astonished because one would assume that a secretary remembers such things better, but it, of course, possible to make mistakes if one doesn't access to the files. I have told you that I cannot testify with any certainty to the details of such correspondence because I had too much correspondence.

Q. Well, isn't it possible you supplied material to him in 1944?

A. I consider that quite impossible. We have the testimony of Fraulein von Falkenhayn that the Department for Fever Therapy never gave them any material and, at that time, I did not have any office in Berlin any longer, but again I must rely on Fraulein von Falkenhayn's testimony. I myself was at Pfaffenrode once a month at the most, and I called up once or twice a long distance.

Q. I put in Document NO. 1755. This will be marked Prosecution Exhibit 489 for identification. This is a reply by you to Schilling, dated 27 July 1943. This letter speaks about shipping eggs to Schilling, doesn't it?

A. Yes, apparently. There must have been plenty of mosquito eggs so that we could give up some of them.

Q. There wasn't as big a shortage as you thought, is that right?

DR. FRITZ: Mr. President, I ask that the photostat be shown to the defendant Rose. It is not impossible that

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that was written by an assistance and initialed "R". Since I know the signature of Professor Rose, I think the "R" looks a little different. Perhaps he might be shown the photostat.

THE PRESIDENT: Let the photostat be shown to the witness.

WITNESS: I must say I do not understand this signature at all. When I signed a letter I signed my name, but I don't think it's very important.

BY MR. McHANEY:

Q. When you were shipping these eggs to Schilling in Dachau it was after the time you had heard the lecture by Rascher and Holzlochner in October, 1942, in Nurnberg on freezing, wasn't it?

A. The dates of these letters were after Holzlochner's lecture, yes. Holzlochner's lecture was in October, 1942, to my knowledge. But perhaps you might say what conclusions you draw from that. Do you mean that Holzlochner and Schilling worked together? That one could have concluded anything from Holzlochner's work that would affect Schilling? Is that your conclusion? That, of course, would be quite unjustified I would be glad if you would explain your question.

Q. Doctor, I don't think it is too strange to say that a man who had, at least, received from information about how they carried out experiments in Dachau, even though on a different subject, might raise some suspicion in an average person's mind about just who the experimental subjects were down there and how they were treated?

A. I knew Mr. Schilling so many years. I met him for the first time in 1922, and I knew his reputation in international medicine and there was not the slightest occasion for to draw any conclusions affecting Professor Schilling's

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work from the activity of Mr. Holzlochner who never told me that he had any connection with Professor Schilling's work.

Q. Have you told the Tribunal yet about your visit to the Natzweiler concentration camp?

A. No, that was not possible. I never visited the Natzweiler camp.

Q. Well, as I recall, you told me on the 31st of October that you visited Natzweiler in connection with Haagen's work in producing typhus vaccines. Is that correct?

A. That is absolutely incorrect. I never told you that I visited Professor Haagen's hygiene institute in Strasbourg twice, but I never visited the Natzweiler camp.

Q. When did you visit Strasbourg?

A. In Strasbourg as far as I remember I was in the middle of 1943, I can't give the date of the second visit so exactly. It was probably in 1944.

Q. What about the first visit?

A. Since I don't have the material on it I can't state the date exactly. Fraulein Schmidt said it was in June or July, but that is the only indication that I have. It is very difficult for me to set the time. In the files which are available to me here there is nothing from which I could conclude the date of this visit. I merely know that there were two visits to Strasbourg.

Q. One was in the year 1943 and the other in the year 1944? Is that right?

A. As far as I can remember, yes.

Q. What was the occasion of the first visit?

A. That was the discussion of whether Professor Haagen was to resume the function of a consulting hygienist because after he had become a professor at Strasbourg he had stopped

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all activity for the Luftwaffe. We had a shortage of hygienists and when I made an official trip to France I was given the assignment to stop on the way in Strasbourg and talk to Professor Haagen about it - about whether he wanted to resume working as a consulting hygienists in addition to his other work. I have already told about that in my direct examination.

Q. And he decided to resume his work with the Luftwaffe and you got an assignment of funds for him from the Luftwaffe, didn't you?

A. He declared himself willing to become a consulting physician in addition to his other work and he also spoke of his wish to obtain a research assignment. So far as I know, he did not have any research assignment about typhus yet he wanted to have a new research assignment which means that he wanted to have more money. This research assignment is mentioned in one letter.

Q. Well, that is quite all right. I can remember that. You got an assignment of funds, didn't you?

A. No, I did not have any influence on the issuance of research assignments but, as the letter shows, Mr. Haagen inquired of me how the negotiations about his research assignment were going on and I inquired of the Inspectorate and I told him how the negotiations were.

Q. I don't suppose that Haagen explained to you just exactly how he was going to conduct his research and what he was going to do during the course of it?

A. No, we discussed his position in general on the problem of typhus research, and as I have already testified in direct examination, he explained to me that he did not consider the killed vaccines effective enough and that he wanted to work more for Berlin along the lines of Sparrow-Blanc-Legres, that is with living avirulent vaccines, and he worked on this line. I have already testified yesterday as to what I know about this work.

Q. Did he tell you that he was going to carry out infection experiments to test these vaccines?

A. That he intended to carry out infection experiments I did not know, but it was a matter of course that if he wanted to work with living avirulent vaccines he would have to perform tolerance experiments, because that is the decisive experiment, if such a thing even developed far enough by means of animal experiments.

Q. We understand he would have to vaccinate somebody, but I am putting the question to you, if he did not explain to you that after he vaccinated the person with either a dead vaccine or avirulent, that he was going to try to bring about a typhus infection in the vaccinated person to test the efficacy of the vaccine itself?

A. I did not know that. I do know as I explained yesterday, that he was dealing with research questions. The reaction to the living avirulent vaccines he wanted to weaken by vaccination first with dead vaccines and then performing a second vaccination with living avirulent vaccine. The reason was to reduce the vaccine reaction.

Q. Doctor, is it not true that to produce or experiment with this avirulent vaccine that Haagen needed some new laboratory equipment? I think you have already mentioned refrigeration.

A. For these experiments he did not need any new equipment, there were such small quantities. He was quite capable of managing that with the available equipment, but he did need more laboratory equipment for

the production of vaccine. The Medical Inspectorate of the Luftwaffe repeatedly asked him for and they hoped that they would get their own production place in that way. That meant installations for rabbit cages, a temperature regulation, installations to maintain regular temperatures, and humidity in the stalls, -- air conditioning. That was a very expensive thing. It cost several thousand marks, and the purpose was the following: Haagen wanted to produce vaccine from rabbit lungs, because he considered this the most economical procedure. For producing this vaccine one has to cause inflammation of the lungs in the rabbits with typhus. These inflammations of the lungs can be caused only if the rabbits are kept at a certain temperature, I believe that is 8 degrees Celsius, and since this temperature is not normally available, this air conditioning equipment was needed for the rabbit cages. That had nothing to do with the experiments.

Q. Did the name Schuhmach??? mean anything to you?

A. Yes, I have heard that name.

Q. You heard it before you were a defendant in this case?

A. I cannot definitely remember it, but it is possible.

Q. You know it to be a concentration camp?

A. As I said I cannot remember it definitely whether I heard it at all, and of course I do not know whether the name was mentioned in connection with concentration camps.

Q. When did you first learn that Haagen was conducting experiments on concentration camp inmates?

A. That Haagen was performing experiments on concentration camp inmates? I don't believe that even today, but that he carried out vaccinations in concentration camps, I knew that. When I first learned it I can't say today, probably in 1943.

Q. Well, you remember the letter in December 1943?

A. I certainly must have known it by then, because there I refer to it.

Q. Well, did you know about this sordid occasion when Haagen had 18 men who had been assigned to him die on transport?

A. I never learned anything about that. I learned of that from the files, and I never knew that prisoners were especially taken to these concentration camps in order to be vaccinated.

Q. What would you have done if you had of known about it; Wouldn't that have given you an indication that maybe things were not so nice in the concentration camp, or maybe proper care wasn't being taken of the inmates in these experiments?

A. If I had learned anything about it I probably would have reacted exactly as Haagen did, as can be proved by the documents he wrote to the SS office, that one cannot conduct any experiments of any consequences on such unfortunate people. The record is in the records here. If I had learned about it I would probably have reacted in exactly the same way, perhaps more violently.

Q. Well, I should have hoped so.

A. I beg your pardon. I didn't understand you.

Q. I should have hoped you would have reacted somewhat more violently than Haagen apparently did.

A. That is possible. Our temperaments are different.

Q. You recall Miss Eyer testified Haagen sent reports every three months to the Medical Inspector of the Luftwaffe, do you agree to that testimony?

A. I heard the testimony. Yesterday in my direct examination I commented on it. If Haagen had reported every three months I certainly wouldn't have forgotten it. I had many things on my mind during the war, but such an exemplary condition of reporting would certainly have impressed itself on my memory. It is quite out of the question that the Medical Inspectorate received a report from Haagen every 3 months. I said yesterday that I consider Fraulein Eyer's testimony quite credible because in view of the number of offices with which Haagen was in connection, and from which he received reports there were so many reports and accounts necessary that it is a marvel that Fraulein Eyer didn't say she had to write a report every month.

I explained with the aid of the documents what obligation to report resulted from the documents alone. You probably haven't had an opportunity to read the record yet, but as soon as the record is ready you will be able to see that. I don't think there is any purpose in holding up the proceedings with that any further.

Q. And you are quite clear that Haagen never suggested to you that he was going to carry out infection experiments with typhus after vaccination?

A. That is not known to me.

MR. McHANEY: Let's have a look at Document NO 1059. This will be marked as Prosecution Exhibit 490 for identification.

Q. Now, will you please read this letter aloud in a loud and resonant voice?

A. Perhaps I may see the photostat.

24 April-AJP-19-1-Murtha (Int. von Schon)

Court I Case 1 (The Medical)

Q. Will you read the letter aloud, please?

A. (Reading)

"29 November 1943 -- Registered

"To Oberstarzt Professor Dr. Rose,

"Inspectorate of the Medical Service of the Luftwaffe

"Sadow (Post Office Zossen-Land)

"Dear Mr. Rose:

"Enclosed I am sending you the report about our experiments with dehydrated typhus vaccine which I had promised you several days ago. As I intend to publish the findings, I have written the report already in manuscript form. I ask that, after having been reviewed, it be submitted to the competent authorities for their approval of its publication in the 'Zentralblatt fuer Bakteriologie' (Central Periodical for Bacteriology).

"One hundred persons from a local concentration camp were put at my disposal for immunization and subsequent infection. Unfortunately these people were in such a poor physical condition that eighteen of them had already died during transport; the remainder were likewise in such bad physical shape that they could not be used for inoculation purposes. In the meantime I have requested 100 additional persons from the SS Main Office (Hauptamt), who, however, should be in normal physical and nutritional condition, so that the experiments can be carried out on material which at least approaches the physical condition of our soldiers.

"For the time being we will concentrate on an epidemic culture in the form of a virus, which we have received from Giroud in the meantime. This seems to be a very good culture.

"With best regards,

"Heil Hitler !

"Yours --

"Enclosure: one report."

"And no signature.

This is the matter which I discussed yesterday. The plan of Mr. Haagen to test the inoculation reactions to his living and

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avirulent dry vaccine by pre-vaccination with dead vaccine to weaken the reaction. That is the same matter.

Q. I thought you said about two minutes ago that you didn't know of the incident where eighteen of the inmates put at Haagen's disposal had died during transport.

A. Yes, that's true. That's what I said, and I had forgotten about it. I thought that I had learned it for the first time from the records. If I had remembered it, I would, of course, not have exposed myself by denying it. But now I see this letter. It is obviously a carbon copy. I must assume that on the 29th of November 1943 the mail was still rather normal. I must assume that I received the letter. Since a report is mentioned, which I was to deal with and was apparently one of Haagen's papers on his dry vaccine, on which my knowledge is based and on account of which I can give any information here at all as to Haagen's experiments. This knowledge goes back to those papers of his.

Q. It would appear that in spite of your fiery temperament your reaction was even less significant than Haagen's himself doesn't it?

A. Since I was not concerned in the matter, since it was something between Haagen and the concentration camp, there was no reaction in this case. If somebody else tells me that he has had direct contact with abuses, then there is no occasion for me to interfere, since that is settled between two persons concerned. I had nothing to do with the concentration camps. I did not have to carry out any inoculations there.

Q. And you insist that the words, "one hundred persons from a local concentration camp were put at my disposal for immunization and subsequent infection" really don't mean subsequent infection at all but a subsequent immunization?

A. With the living and avirulent dry vaccine, yes.

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Q. Well, that is certainly an inarticulate way of saying that, isn't it?

A. This is correspondence between experts, and they know what it's about.

Q. You state yourself that you are still not sure exactly what Haagen did, although you were down there in the middle of 1943 and got him back on the payroll of the Luftwaffe and you knew he was staying at the laboratory and you knew he was going to work on typhus vaccines, but you now sit here and say you don't know exactly what he was doing.

A. Yes, that is true. I have given considerable information about Haagen's work here, and I have gone to considerable pains to get that all together; but of course I can't give you complete information, simply because all these experiments

were not under our direction and under our supervision.

Q. Herr Professor, the first time the question of subsequent infection came up was in a letter dated 1944 and you spent the best part of a day rationalizing "subsequent infection" as meaning something entirely different, that it was simply a subsequent vaccination, after the man had already been vaccinated by the dead vaccine. Now, if you were told on the 29th of November, 1943, that he was going to carry out immunization and subsequent infection experiments, you certainly would have known as a matter of fact what he was doing, and you would not need to speculate on this stand as you did yesterday. These words are entirely susceptible to the meaning that they mean exactly what they say.

A. At this stage of his experiments Haagen did not have a fully-developed vaccine yet. He was working exclusively on the problem of weakening the reaction to this living virulent vaccine. That was the problem that he was dealing with at the end of 1943 and the beginning 1944. And he was looking for various methods of achieving this.

Q. What did he mean in the last paragraph when he says, "For the time being, we will concentrate on an epidemic culture in the form of a virus, which we have received from Giroud in the meantime"?

A. That means that up to that time he had worked with a murine strain and that now for the development of the dry vaccine he wanted to use a strain of rickettsia prowazeki too.

Q. Well, I now want to point out to you again that I am having considerable difficulty in construing the word.

"infection" to mean vaccination.

A. Yes, I admit that many of these documents are written in a confusing way, but I believe that I can remember the whole matter adequately enough that I know what the problem is. The vaccine was not developed so far that it could be used in vaccination without reaction, and to determine the effect. There were strong fever reactions and the problem was how to avoid this fever reaction.

Q. Well, why call that infection?

A. That is a similar condition biologically. An injection of a living, a virulent vaccine, from the biological point of view, is an infection. This expression is used often enough, but it is an infection which one can absolutely control.

Q. And after receipt of this letter you then wrote him on the 3rd of December --- and this is Document NO-122, Exhibit 298, page 79 of Book 12 -- you sent him the Copenhagen vaccine, the, didn't you, and asked him to test it in his experiments on his concentration camp inmates, didn't you, just as they did in Buchenwald, as you put it?

A. I beg your pardon?

Q. You sent him the Copenhagen vaccine after receiving this letter of 29 November and asked him to test that in his experiments on concentration camp inmates.

A. When this discussion of the Copenhagen vaccine took place Haagen was specially interested in it, because it was a murine vaccine; and since he could not control fever reaction with the murine vaccine, yet, he succeeded in that only at the beginning of

1944 by storing the vaccine for a considerable time, he was no longer interested in this Copenhagen vaccine. But at the end of 1943, when he still had the same difficulties as Blanc with the reactions with the living murine vaccine he was considerably interested in the Copenhagen vaccine. For it was the only vaccine from murine virus available in Europe at the time.

Q. You sent it to him, told him to test it just like they did in a series of experiments in Buchenwald, didn't you?

A. I don't remember that.

Q. Well, you remember mentioning Buchenwald to Haagen in your letter of 3 December 1943.

A. Oh, that's what you mean. Yes, I pointed it out as a parallel, because several vaccines were tested in Buchenwald for their effect against infection, and since Haagen in Strassbourg wanted to test various vaccines for their reaction effect.

Q. You sent that Copenhagen vaccine to Buchenwald also to be tested?

A. No.

Q. As I recall, your witness, Frau Block, said this Copenhagen vaccine didn't go to Haagen.

A. Frau Block testified that she sent the Copenhagen vaccine to various places. She did not mention Professor Haagen. As to Copenhagen vaccine, as far as I remember, I would say say from my own memory that I sent this vaccine only to Professor Schreiber.

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Frau Blomk has said that she apparently on my instructions sent this vaccine to various other agencies.

DR. FRITZ: Mr. President, I must go back to document No.-1059 Mr. McHaney just said, After you received this letter and so forth. If the Prosecution wants to prove that Professor Rose actually did receive the letter, then I must object to the document, because, I have looked at the photostat. It was obviously a carbon copy and has no signature. There is no notification that it was sent out or received. It could be a draft of a letter which was never sent.

MR. MCHANEY: I understand the witness admitted he received it, or at least influentially..

DR. FRITZ: The defendant said he could not remember this letter.

WITNESS: I merely expressed the assumption that in view of the mail conditions at the time, the letter must have reached me, assuming, of course, that it was mailed. But as I said, even if it was sent, I can see nothing to object to in the contents.

BY MR. MCHANEY:

Q Do you deny having received the letter?

A I can neither admit it or deny it. In the case of all of these letters which were sent out years ago nobody can testify under oath that he received or wrote a certain letter. A man can do that for whom a letter is a big event, but not somebody who has a large correspondence and who has no way today of consulting his own files to see whether these letters are there.

THE PRESIDENT: So far the letter has merely been marked for identification. It has not yet been offered in evidence.

BY MCHANEY:

Q At this meeting in May 1943 when you objected to the experiments by Ding, can we take it that the persons present at this meeting knew that the experiments had been carried out on concentration camp inmates?

A From Dr. Ding's lecture they certainly could not conclude that.

To what extent during my protest I gave details about the experiments I don't remember. From the testimony of one of the witnesses, I can say that I apparently was not quite clear, because Professor Schnell in his affidavit says when we were whispering to one another that they might be experiments in concentration camps, That is a sign that at least this witness, Professor Schnell, did not conclude that definitely from what I said. What conclusions the other listeners gathered from that discussion I cannot, of course, say. No doubt all of them were impressed by the assurance that the subjects were criminals who had been condemned to death. This assurance was given to the assembly once more, and criminals who had been condemned to death are not normally inmates of concentration camps. They have to be taken to the concentration camp from the court prison where they wait for confirmation of the verdict, so that the experiment can be carried out. Hence I would assume that Mr. Schnell in his assumption was an exception, and that the majority of the listeners did not believe that they were prisoners from concentration camps; but as I say that is merely an assumption, because no one talked to me on this point, as to details about experiments on persons condemned to death. Some people agreed with my point of view, that one should avoid such experiments, while other people said that from the ethical point of view there was no objection to such experiments.

Q You visited Buchenwald on 17 March 1942, with Professor Gildensister, is that right?

A I cannot confirm the date from my own knowledge. I took this date from the so-called Din Diary. I could decide the time of my presence at Buchenwald only from Din's work, in as much as I can say in regard to the favor charts that at that time of the first visit I was in Buchenwald, but what day and what month it was I cannot say from my own knowledge.

Q And you were just going there to satisfy your curiosity about these experiments which Gildensister had told you about, is that right?

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A. I wouldn't call that curiosity exactly. There were various motives. One was that it was the invitation of my superior who wanted to convince me that my objections were not justified; that the experiments were in a permissible form; and then there was a certain professional interest; since such an experiment was taking place anyhow, I, as a hygienist, was interested in the results. There were various motives.

Q. Did you or Gildemeister assist Ding in any way in carrying out these experiments?

A. Did I understand you correctly, whether I helped Gildemeister or Ding?

Q. No, whether you or Gildemeister helped Ding?

A. Ding was not there at all. He was sick. He had typhus and was in a hospital somewhere. In infecting the prisoners he had infected himself. Whether Gildemeister, as Ding's diary asserts, helped infect the patients I don't know. I was not there. I did not even know that Gildemeister had been in Buchenwald before. He didn't tell me that. At least I don't remember it, and during the visit when I was there nobody was infected at all. It was at least two weeks, or three weeks at the most, after the infection. These people were at the height of their fever. There was nothing to be infected. One could only go through the wards and look at the clinical picture of the disease of the persons with severe cases in the control cases, and the lighter cases among those vaccinated. That is something I have already described during the direct examination, and as the basis of my remark, in 1943, and what I said in my lecture in Basle on 17 February, 1944, when I talked about Ding's experiments, and said that the clinical impression is much stronger than the statistics expressed.

Q. Who escorted you around while you were in Buchenwald?

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A. That was an SS doctor, who as far as I remember, had the rank of an oberarzt, or a obersturmfuehrer in the SS, that is the one fact which I believe I remember with a certain degree of certainty but that was only one meeting with the man. I was not very strongly impressed by this person because the demonstration of all important data in the experimental building were not performed by doctors but by prisoners working in the laboratory. They had all of the charts and the records of clinical data, and they explained the thing to me. The doctor himself did not participate and I sat at the table and looked at the various records and then I said that it was very difficult to look at these 140 or 150 fever charts and compare all of them, and over night these gentlemen made up average curves for me, so that on the next morning one could get a clearer impression of the course of the experiment and the prisoners who were working there demonstrated these things to us again the next morning.

Q. Did you see Hoven while you were there?

A. Dr. Hoven has already asked me about that but I cannot give any definite information. In any case when I saw him here for the first time in prison I did not recognize him. I did not remember his name either. And if one sees Mr. Hoven, the general impression is that he is a dark type and my recollection is more that this Oberarzt was a man about my size. Hoven is quite a bit shorter than I and he was not so definitely dark as Hoven but he was rather lighter. But I cannot say for certain whether he had blue or brown eyes; I am quite uncertain. I cannot say anything positively or negatively. I cannot say with certainty that I did not see Mr. Hoven nor can I tell you with certainty that I remember seeing Mr. Hoven. But that would probably be the case with all the people whom I met at that time. I do remember one of the prisoners because he was especially noticeable. He was something of a hunchback. He was a rather intelligent man and I talked with him a long time. I had the most to do with him. He was probably the man who knew the most about all the things. He was a prisoner, not an SS man.

THE PRESIDENT: The Tribunal will be in recess until 9:30 tomorrow.

(The Tribunal adjourned until 0930 hours, 25 April 1947.)

1947
25 April - M-AK-1-1-Foster (Brown)

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Official Transcript of the American
Military Tribunal in the matter of the
United States of America, against
Karl Brandt, et al, defendants, sit-
ting at Nurnberg, Germany, on 25 Ap-
ril 1947, 0930, Justice Beals presid-
ing.

THE MARSHAL: Persons in the court room will please
find their seats.

The Honorable, the Judges of Military Tribunal 1.
Military Tribunal 1 is now in session. God save the
United States of America and this honorable Tribu-
nal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the
defendants are all present in the court.

THE MARSHAL: May it please your Honor, all the def-
endants are present in the court.

THE PRESIDENT: The Secretary-General will note for
the record the presence of all the defendants in court.

Counsel may proceed.

DR. FROESCHMANN: (Counsel for the Defendant Brack):
With the agreement of the prosecution, Mr. President, I
ask the permission that Viktor Brack be freed from atten-
ding this afternoons session because he must conduct prop-
erations with me for the case which is coming up.

THE PRESIDENT: Do I understand that counsel asks
the Defendant Brack be excused from this afternoon ses-
sion after the recess?

DR. FROESCHMANN: Yes, Mr. President.

THE PRESIDENT: Upon request of counsel for the Def-
endant Viktor Brack that he be excused from attendance
before the Tribunal this afternoon there will be no rec-
ess this afternoon. Do you mean the recess this morning,

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or excused from attendance during the afternoon's session?

DR. FROESCHMANN: No, I ask that the Defendant Brack be excused from this afternoon's session so that I can prepare his case.

THE PRESIDENT: Upon request of counsel for Defendant Brack that he be excused from attendance before the Tribunal for this afternoon's session, the request is granted. Defendant Brack may be excused from attendance before the Tribunal this afternoon.

DR. FROESCHMANN: Then with the permission of the prosecution I should like to make a further question could the President tell me whether the Tribunal has received my application I put in on the 11th of April, concerning submission of the record since I have so far received no information upon that?

THE PRESIDENT: The Tribunal has received the request of counsel for the Defendant Viktor Brack, and the Tribunal adheres to its former ruling, that the stenographic notes which counsel requests to examine may not be consulted by the Defendant Brack or his counsel; but when the Defendant Brack takes the stand, if in the course of the examination it should appear necessary or proper that these notes be examined, the Tribunal will then reconsider the request to determine whether or not the notes then may be produced in court.

GERHARD ROSE - Resumed

CROSS EXAMINATION (Continued)

BY MR. MCANNEY:

Q May it please the Tribunal.-Herr Professor, going back to your interpretation of the word infection in

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Hargen's letters, I would like to ask you if you didn't testify before this Tribunal, with respect to the testimony of the witness Eyer, that Mr. Hardy had indeed done a ridiculous thing when he put the question to her whether she had not meant avirulent typhus virus, rather than avirulent typhus vaccine? And then didn't you go on to say, after she had answered, that she meant avirulent typhus virus? You stated what before had referred to vaccinations had now suddenly become infections. Isn't that exactly what you are trying to do now with the word infection used by Hargen? Instead of meaning what it says, you want to tell the Tribunal it means vaccinations?

A No, Mr. prosecutor, I believe there is a rather substantial difference. The witness during her examination by the prosecution spoke of a living vaccine and always used the expression "vaccine". Then at the end she was asked whether instead of vaccine she didn't mean a virulent virus. And since she affirmed this question this changed the contents of all her testimony. The injection of a living avirulent virus is just as much an infection as the injection of a living virulent virus. The difference resides in the fact that one of them is an infection that can be controlled, namely, the infection with avirulent virus that is used as a vaccine. Whereas, when virulent virus is injected, the subsequent developments cannot be controlled but are up to date. Of course, excepting the case that the person concerned was vaccinated in some way before being injected with the virulent virus. For instance, this happened in the experiments of Blanc and Balthasar where they first infected the subjects with a living avirulent virus which could be designated

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as a vaccination, and then subsequently they infected with a virulent strain the previously vaccinated persons which did not fall ill because they believed the effects of their vaccines were certain enough that they could undertake this infection with virulent virus.

You will find the same procedure described by Vantemilas in American literature, who tested Zinzer's typhus vaccine. He also first injected the vaccine and afterwards infected with virulent virus in order to test the degree of immunity. You cannot compare a vaccine with a virulent virus, but biologically speaking the injection of a living avirulent vaccine is an infection, that can be seen from the fact that when you vaccinate against small-pox, that, too, is infection with cow-pox vaccine, and for ten days after the small-pox vaccination, you can still extract that virus and breed it again from the blood of the person vaccinated, and indeed the virus has actually increased in intensity in the subject's blood. This can be seen only in Strong's experiments who after the inoculation again extracted from the tissue of the experimental animals. These experiments were tried out on animals and not on human beings, - as I say, extracted the virus from their blood and breed them again. In other words, there was an infection, although it was not a typical illness. The plague in the normal form did not develop.

Q Professor, we, I think, all understand, although we don't have the status of an expert as you, that a vaccination with an avirulent vaccine brings about a minor infection; but I just wanted to observe that you berated Mr. Hardy rather severely for having confused "infection" with "vaccination." That is the word you used, and I submit to you that that is exactly what you are now doing with respect to the word "infection" used by Haagen; and I further put to you that the talk of infecting with the vaccine is a bit of nonsense.

A I said before that first of all I did not make Hardy appear ridiculous, but that I pointed out that he had confused the concepts "virulent virus" and "avirulent living vaccine," and had used the one for the other. These are two concepts that cannot be interchanged; whereas, the expressions "vaccinate" and "infect" can be exchanged with the avirulent virus; and you, yourself, said that you knew that

the use of avirulent living vaccine is a form of infection.

Q Well, I think we have perused this point far enough, Herr Professor. Let's go back to your visit to Buchenwald in March 1942. Did you talk to any of the inmates who were the subjects of these experiments which you saw there?

A I cannot recall having talked with the experimental subjects. Most of them were seriously ill. Two experimental subjects were brought to me, one after the other, who were not sick, which I already mentioned. They had gone through their typhus sickness before being sentenced in the pre-trial prison, but again I cannot recall that I actually spoke with these two persons. So far as I recall, I spoke with the doctor in charge and didn't speak very much with him either. I spoke, for the most part, with the prisoners who were working on this whole material in the laboratory. That is the way I remember that visit today.

Q So we can assume that you didn't ask any of the subjects if they had volunteered or if they had been condemned to death; or if they had been condemned to death, for what crime? Is that right?

A I certainly did not conduct any such conversation, or at any rate, I cannot recall any.

Q When did you first meet Ding?

A I cannot remember any personal conversation with Dr. Ding where we talked together. I certainly must have seen Ding when he read his paper at the consulting conference, and then it can be seen from the documents that Ding was present at the dedication of the Typhus Institute at Lemberg. There is mention of an official trip for that purpose, and on this occasion, I read a paper on delousing. This paper is mentioned in my list of publications and was published in the Reich Health Paper. Since the number of those who participated in this typhus conference at the occasion of the dedication of the institute was not very large, perhaps 100 or 150, I must really have seen Ding on this occasion, that is, if the entry in the diary is correct; but I cannot

remember it and I certainly didn't speak with him then.

Q And those are the only two personal contacts which you had with Ding?

A Those are the only two times in which I can remember having had personal contact with Ding.

Q Did you ever correspond with him?

A I can recall no direct correspondence nor any indirect correspondence through official channels with Ding.

Q Now, Professor, I am having some difficulty with these entries in the Ding Diary. On Page 39 of Document Book No. 12, with which I am sure you are familiar, we find the experimental series. That is, in the entry for 9 August 42, we have a description of the research series No. II, in the course of which 20 persons were vaccinated with the vaccine cantzucuzino, which was made available by Professor Rose, who received it from Navy Dr. Professor Ruge from Bucharest. And on the next page, you will see that subsequently, all the experimental persons were infected with typhus, and that as a result of the experiment, four persons died. Now isn't it a fact that you made this vaccine available to Ding for that series of experiments?

A I have already discussed this question in my direct examination. I pointed out that those with whom Ding was corresponding on typhus questions have been listed by two witnesses; namely by Dr. Kogon and by Dr. Balachowski, whose testimony is to be found in an affidavit. Neither witness mentioned my name among those with whom Ding was corresponding, but both witnesses do mention Dr. Ruge as one of the persons with whom Ding was in correspondence. I also discussed this Rumanian vaccine in my direct examination. I can say nothing precise either nor positive about this vaccine; namely, whether this vaccine passed through my office during the war. It is quite possible because many such typhus vaccines went via my desk and I described in my direct examination just what I did with these vaccines.

Q. What did you do with this vaccine that you got from Ruge?
That is the important point right now.

A. I have already said that I do not know for certain whether I ever received this vaccine from Ruge at all. I can only emphasize the fact that Ding reported on the testing of this vaccine at the Third Consulting Conference. Consequently, I had my showdown with him. At that time he said nothing to the effect that this vaccine, on the testing which he had reported, had originated with me. He then published a paper in the periodical for hygiene and infectious diseases, and in this paper, too, there is a report on the testing of the Rumanian vaccine. In this paper a footnote states, expressly, that he had received a particular virus from Prof. Gildemeister. In other words, he is telling his sources here. In the case of the Rumanian vaccine he says nothing to that effect, and Dr. Kogon, too, testified here that Ding concerned himself with our showdown in Berlin when he had returned to Buchenwald; but here, again, he did not say that one of the tested vaccines had gone through my hands.

Q. Now, Professor, you are talking all around the point. I am not interested in what Kogon said, or what he said at this meeting. I am asking you the question: Did you send this vaccine to Ding, directly or indirectly?

A. I have already answered that question. I said that I cannot remember at all, ever having had such a Rumanian vaccine in my hands, but that there is a possibility that I did.

Q. And if there is a possibility that you had the vaccine in your hands, is it not also possible, as it says in the Ding diary, that you sent the vaccine to Ding to be tested in Buchenwald?

A. I think that is altogether improbable, since I had no direct contacts with Ding at all.

Q. Did you have any indirect contacts with him? After all, Professor, we are talking about one of the most fundamental issues in the case. If you sent this vaccine to Krugowsky, or directly to Ding, or through anybody else, after you had been in Buchenwald, in March

1924, I submit to you that you became a party to the crime.

A. First of all, I told you that I do not know whether or not I ever had this Rumanian vaccine. Now, taking the hypothetical case that I did have this vaccine, and handled this vaccine as I handled all other vaccines that I had during the course of the war -- namely, passed it on to other typhus researchers: now, I never sent any vaccines to Ding; and, assuming that one of these typhus research men had connections with Ding, and passes on such a vaccine that he receives from me, that does not mean that I provided the incentive for that. All the vaccines tested in Buchenwald are, with very few exceptions -- were produced, with few exceptions, by other people --

Q. That is all very true.

A -- and you cannot make the manufacturers responsible for what is subsequently done with these vaccines. Nor can you make people responsible who happened to have the vaccine in their hands, but who had neither the intention, nor the opportunity, to issue any assignments to Dr. Ding.

Q. Now, Professor, it depends on what the people knew, who supplied these vaccines, as to whether or not they are responsible. Now, there is no question about your knowledge. You were in Buchenwald. You saw what was being done. So it therefore becomes quite important to know what you did with this vaccine from Ruge. Now, is it possible you sent it to Krugowsky, who you knew to be the superior of Ding?

A. I think that is highly improbable. As I have said, I cannot remember this whole affair, and, consequently, can only speak of possibilities; but I put it one document here on the Ipsen vaccine, and it can be seen from the list of -- from the distribution list -- what sort of institutes I sent it on to, and neither Mr. Krugowsky nor Dr. Ding are mentioned here.

Q. As I understand it, you don't exclude the possibility that you sent this vaccine to Krugowsky, and Krugowsky sent it to Ding?

A. No, I just said that I consider that highly improbable.

Q. Well, if you sent vaccine to Mrugowsky, and asked him to test it, just what did you think he would do with the vaccine, unless he sent it to Buchenwald?

A. I reiterate, that I consider it highly improbable that I sent it to Mrugowsky; moreover, Mrugowsky was a hygienist, like the rest of us.

Q. Well, the witness Frau Block said you didn't sent anything to Mrugowsky. How credible is her testimony? Do you think she is just on probabilities too, or do you think she knows what she is talking about?

A. Frau Block certainly testified to the best of her knowledge as to what she knew about my correspondence; and, of course, it is very valuable to me, what she said, because you are asking me — after my files have been taken away from me after years and years — that I should give information about every letter that I received or wrote in the last six years; that that is not possible, perhaps even you will grant. Particularly, in the case of a man who had to write very many letters. And, of course, my secretary's corroborating evidence was very valuable to me, who also remembered what she had done during the four years that she was employed by myself, so far as correspondence was concerned. There was correspondence, of course, now and then with Mrugowsky: for example, Mrugowsky concerned himself with publishing epidemiological predictions, and I corresponded with Mrugowsky on the development of a hot air delousing machine, and the detailing of an engineer who belonged to the Luftwaffe, so that he could work on this for the Waffen-SS.

Q. Now, Professor, we are not dealing with any miscellaneous correspondence now: we are dealing with a very fundamental matter, — and with a man who had been in Buchenwald in March 1942, and had seen what had gone on, and with a man who objected to Ding's experiments in May 1943; and I should think that such a man would be pretty clear

in his own mind about whether he had ever supplied any vaccines to the murder camp of Buchenwald. I shouldn't think there would be any doubt in your mind.

A. I am quite clear in my mind that here, in this court, we are not concerned with the ten or fifteen thousand letters I wrote and received during the war, but are concerned only with a few of the letters from that great number. This does nothing to change the fact that these few letters are only individual letters from the vast mass of that correspondence, and that my capacities of recollection embrace these letters to the same extent, but to no greater extent, than they embrace the other perhaps 14,999 letters in which the Tribunal is not interested.

Q. You cannot remember whether you were connected, directly or indirectly, with the typhus experiments in Buchenwald -- is that what you want to say? That is something that slipped your mind?

A. I have testified to this at great length. It took almost a half a day -- namely, as to what I knew about these typhus experiments in Buchenwald.

Q. But you have not testified, and you still do not testify, whether you sent this vaccine you got from Ruge to Ding, either through Mrugowsky directly or indirectly; you evade the point; you say you can't remember. I think, then, the Tribunal can take the statements from the Ding Diary, that you did.

A. I can only tell you that I do not even remember the Bucharest vaccine itself. Direct correspondence with Ding is something that I really can't remember. But I must take into consideration the possibility that you are on the point of bringing up some letter to the effect that Dr. Ding sent me some application -- a reprint of a paper of his.

Q. I see.

A. And whenever such a piece of correspondence turns up here, then I have laid myself open to you and have testified falsely, and of course such a possibility as that does exist.

Q. Did you get a report from Ding? I am interested to hear about that. You mentioned having received some sort of publication from Ding; let's hear about that; did you get one?

A. No, no, I just said -- I was a well known bacteriologist, and many people sent me reprints of their publications. I really can't say anything about this for sure; I would have to take a look through my collection of reprints which contain about ten to twenty thousand individual papers, and in the case of such reprints it is often the case that we don't read them all because one doesn't have the time, but one simply sent out a prepared printed card acknowledging receipt of the reprint. These are all possibilities I have to take into consideration, and consequently I have to be very circumspect in my testimony here in order not to lay myself open on account of some stupid matter; for instance, mentioning the example of my correspondence with Schilling in 1941: I had testified to the best of my memory that I did not correspond directly with Schilling during his stay in Italy, and the experiments that Schilling conducted in Italy are not a charge in the indictment, so that I really had no reason to deny a correspondence with Schilling in Florence. Now, since I was so incautious, so incautious as to say that I had no correspondence with him in 1941, you then produced a letter from Schilling's files which was dated 1941; and then after I had seen this letter, I, of course, recalled the affair. Now, since that already happened to me once that I committed such an error in memory, I have become a little more cautious gradually, and I do not deny with apodictic certainty matters which are theoretically possible.

Q. Professor, you don't want to get so cautious now that you admit the possibility of having participated in murder. Now, as I

understand your direct testimony —

A. No, that possibility I do not admit.

Q. Now, as I understand your direct testimony, you remember you got the vaccine from Ruge; that you experimented on yourself to see whether it contained a living virus, and then you returned it to him.

A. No, that is a misunderstanding. I stated that I do remember for certain that I received one consignment of vaccine from Ruge, but that was not the Bucharest vaccine, and I remember this consignment of vaccine for sure because there were a few peculiarities in this matter. Ruge had asserted that there was a living virus in this vaccine because the reactions to the vaccine were particularly severe on the people on whom he tested it. I looked at the label on this vaccine, and I ascertained that this originated from the same institute whose vaccine I had used two years before to vaccinate the medical personnel working on the resettlement. Thereupon I gave myself a double dose of this vaccine, and saw that the reaction was a perfectly normal one. Then I sent the vaccine to the manufacturer who again tested it, and also reported that the vaccine was perfectly normal. On the basis of these two reports the vaccine was again made available for general use, but as I said, this was not the Bucharest vaccine because I have put in a document here, namely, instructions to the troop doctors in the Luftwaffe, saying that the Bucharest although this proved its efficacy in Buchenwald, was not to be used by the Luftwaffe because the results of this testing at Buchenwald were at that time not known to the Luftwaffe. To be sure, through Ding's report to the consulting conference, and through his publications in the periodical for hygiene, we found out about this testing, so that thereafter there was no reason for not using this vaccine; but I do not know whether or not it was used in individual cases after that; at any rate, I found no directive to that effect.

Q. Well, how could you write a letter telling the medical officers in the Luftwaffe not to use the Bucharest vaccine, although

it was being tested in Buchenwald, unless you know it was being tested in Buchenwald?

A. I remember no such letter.

Q. May be I misunderstood you; I thought that was just what you said.

A. No, no, I said just the opposite. If you understood that, it must be an error on the part of the interpreter — strange as that may seem. I shall repeat so this is perfectly clear. In evidence is a document, namely, Directive to Troop Doctors of the Luftwaffe in which ten different typhus vaccines are listed and that are permissible for use in the Luftwaffe. The Bucharest vaccine is not included in that list, and this list was published a long time after, according to Ding's Diary, the testing of this Bucharest vaccine had been concluded and the reports on it had been sent to Berlin. I conclude from this that when this directive was issued, I could not have know of this testing in Buchenwald because the testing in Buchenwald had proved that the vaccine was a good one, that is to say, had I knew that we had another good vaccine on our hands, then I should certainly have appended it to the list as No. 11.

Q. Now, how did it happen that Ruge, a Navy officer, would send you typhus vaccine?

A. That is to be explained by the fact that the Fleet Physician, Ruge, was detailed to the Luftwaffe for three years by the Navy — correction, two years — he was consulting hygienist with the Air Fleet 4, and Air Fleet 4 covered the southern area in the east, which included Roumania. After Ruge's release to the Luftwaffe had come to an end, which I believe was around 1944, Ruge was detailed to the army and remained in Roumania.

Q. Now, do you recall telling me in an interrogation on 31 October 1946 that you gave this vaccine, which you received from Ruge, to Gildemeister?

A. That is quite possible that we discussed that possibility.

in an interrogation.

Q. But now you do not remember whether you got the Bucharest vaccine at all?

A. I have said that I cannot testify with certainty on that matter. I have repeatedly said that there is a possibility; you stated to me as a fact at that time that I had this Bucharest vaccine, and then I told you the ways how I sent such vaccine on to other people, but I most assuredly did not tell you of my own knowledge in this interrogation that I had received this Roumanian vaccine from Professor Ruge.

Q. Can you remember ever having sent a vaccine to Mrugowsky?

A. No, I cannot remember that.

Q. And you are supported in that by Frau Block in that testimony?

A. Yes, I believe she said something to that effect.

Q. Well, what about the Copenhagen vaccine that you got; you got that in 1944 — that's only about two and a half years ago. Do you —

A. You are in error, Mr. Prosecutor — 1943. I already put in the document concerning this.

Q. I remember, I remember.

A. That is in a supplementary document, Document 46, Exhibit No. 20, and also —

Q. I remember, I remember.

A. The document of the Behring Works in Marburg; both these documents mentioned 24 September 1943 as the date, and the date of my report was the 29th of September, 1943. If I had not been able to get ahold of these documents, then I really should not have been in a position to tell you the year in which these events occurred, but now I do have the documents and do have the opportunity to refresh my memory on the basis of these documents.

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Q. Well, let's look at the other entry in the Ding Diary which affects this. That is on page 49 of the Prosecution Document Book #12. Do you remember that? The experiment that started on the 8th of March 1944? The first sentence is: "suggested by Oberstarzt of the Air Corps, Professor Rose, the vaccine Copenhagen (Ipsen-Maurine vaccine)."

A. Yes, I have this entry before me now and I have also put in the documents that refer to this, including my official report in which there is mention of the suggestion I made in connection with the Copenhagen vaccine.

Q. Well, do you concede that there is a possibility that this entry is correct?

A. Yes, if Ding is here referring to my official report and referring to it as a suggestion, then the entry is correct, but I believe that if an impartial person reads through this official report he would not see in it a suggestion for experiments on human beings. That is a question of interpretation.

Q. Well, did you send that report to him? I thought the testimony was to the effect that the Copenhagen vaccine only went to about four people and none of the four included either Haugen or Ding or Krugowsky. Now, are you suggesting the possibility that you did send it to Ding?

A. No, you've completely misunderstood me. It is just the opposite that I wanted to say. The report is available and the list of distributees is in the list to whom the report was sent. Neither Ding nor Krugowsky is mentioned in that list. Consequently, you cannot understand me to have said that I sent this report to Ding.

Q. No, I didn't but Haugen is not included in that list either, as I recall, is he?

A. Your recollection has deceived you. Haugen is listed there or his Strasbourg Institute. Let me just find the document. This is Document 23, Exhibit 21. The list of those to whom it was

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distributed is on pages 18 and 19. First, Robert Koch Institute, attention: Professor Gildemeister; then, second, is the State Institute for Experimental Therapy, Geheimrat Otto; thirdly, Institute for Typhus and Virus Research in Cracow, Professor Ayer; fourth, Hygiene Institute of the University of Strasbourg, Professor Hagen; and then, Behring Institute for Typhus Research in Lemberg, #5; and sixth, Behring Works in Marburg on the Lahn.

Q. What's the date of that?

A. 29th of September, 1943.

Q. Did you later send this vaccine to Weng or Brugovsky for testing in Buchenwald?

A. No, I have already testified here that if I had been asked about this directly before Frau Block testified I should have said that I had sent the whole vaccine sample to Professor Schreiber. But, in the meantime, Frau Block has testified here and this assumption on my part was incorrect and the samples that came from Copenhagen were divided up into several parts and sent to several institutes. I consider it possible - I consider it likely that Frau Block's testimony on this matter is more reliable than mine would have been because she had less to do than I did and was concerned especially with the sending off of such things, so it is probable that her recollection of this is more precise than mine.

Q. Well, how can there be any doubt about it? Don't you have this document here which tells exactly what you did with the Copenhagen vaccine?

A. I beg your pardon. I didn't quite understand the question.

Q. Well, I don't understand how there can be any question about what happened to the Copenhagen vaccine in the face of this document that you have submitted?

A. This document states what suggestions I made in connection with this Copenhagen vaccine and with regard to the vaccines themselves

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I suggested they be used on persons who were in especial danger. These persons in especial danger - people who were in particular danger of being infected with typhus - this was a generally current technical expression and the medical officers, both in the civil administration and in the military medical service, were familiar with it, and it is used not only in connection with typhus but in connection with other diseases also. The phrase is used "persons in especial danger", for example, only sewage workers are vaccinated or miners or people where there is a particular pestilence of rats in the case of the Weil Disease. These people I have just mentioned are in especial danger and are consequently vaccinated whereas other people are not.

Q. Professor, let's not wander off the point. I am not interested in all of this, but do I understand you to say that a sample of the Copenhagen vaccine was sent to each one of those men in the distribution list, along with the letter?

A. No, I don't believe so because the sample couldn't have been large enough for that. As I remember it, the amount was only large enough to suffice for one consignment. Now, Frau Block has said it was divided into three portions.

Q. And who got the portions?

A. I don't remember precisely what Frau Block testified to that effect. I should have to look it up in the record.

Q. We know that Haugen got one of the portions, don't we?

A. That I do not know. It cannot be seen from the correspondence. At any rate, he did not make use of this Copenhagen vaccine or, at least, never reported on it if he did. So there was only correspondence on the question whether this Copenhagen vaccine was to be used as a parallel series in the experiments that were testing to alleviate the reaction of his subjects to the living avirulent vaccine. That

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interested him particularly because this Copenhagen vaccine was a dead vaccine from murine virus and there was no other such vaccine in Germany, but Professor Haagen succeeded in weakening this vaccine so that there was no reaction whatsoever and he did so before carrying out his series of experiments, and this meant that he was no longer interested in the Copenhagen vaccine and there was no further correspondence on the subject. I have attempted to inquire of the Institute at Copenhagen whether he received consignments of their vaccine. That was denied. The Copenhagen Institute believes that this vaccine was sent only to Danish and Norwegian doctors.

Q. Now, Professor, without pursuing this point much further, how could you suggest to Haagen that he carry out an experiment with the Copenhagen vaccine unless you had sent him a sample of the Copenhagen vaccine?

A. Any time he wanted to he could write a letter to Copenhagen and ask for a sample. He certainly knew of Ipsen - both of them were research men in typhus, and I am quite sure that they exchange reprints of their scientific publications. In fact, Haagen had the chance to visit Ipsen personally because he was then consulting hygienist with the Air Fleet Reich and Copenhagen fell within the jurisdiction of that Air Fleet Reich. In other words, if the matter interested him, he could have made an official trip to Copenhagen within the framework of his normal activities. He simply would have had to apply for permission to go and take a look at something up there and he would have got permission.

Q. Well, can you tell the Tribunal what happened to this Copenhagen vaccine? I don't know myself. I haven't found out what happened to it. You got it, but who did you give it to?

A I said that before. If I were relying on my own memory I should have said that he sent the vaccine, the whole amount of it to Professor Schreiber along with the main report that I wrote. However, Frau Block corrected my memory in this matter to the extent of saying that the vaccine was broken down into three portions which were sent to three offices, including Professor Gildemeister; but as I said, I am not in a position to state that of my own knowledge. In this whole examination we find ourselves in a most unfortunate position in that individual letters and individual consignments which were simply single events in the course of an enormously extensive official activity and were made the subject of inquiry, and we are simply not in a position to refer to our own files or other persons we worked with. Of course it makes a poor impression if you cannot give a straight yes or no answer to a point as important as this, and I am quite clear about that, but that can be explained from the whole position in which I find myself. For two years I have been in custody with no access to any of my files, but you have my files. You got these letters from Schilling from my own file cabinet and you must have the documents. Why are you asking me? You have these documents. You got the letters that you are speculating on the existence of here from my files, because all of these letters must have been in the same drawer where the letters were found that Schilling wrote to me.

Q Then you know the letters exist too, don't you, Doctor; it is not difficult to tell the truth. The difficult thing is to tell just about half the truth or none at all, and hope to get by with it. Now, you very well know whether you sent any of this vaccine to Mrugowsky or Ding to be tested at Buchenwald, just as well as you well remember that 40 years ago you ran over a man with an automobile and killed him. We are not dealing with miscellaneous letters. We are dealing with unique letters concerning murder. I am asking you to tell the truth about it. If you gave any vaccine to Mrugowsky and Ding, Copenhagen or Bucharest vaccine you would remember it?

A To the best of my knowledge I have answered all these questions here. I never run over anybody 40 years ago with an automobile, but I grant you I should probably remember it had I done so, and if I had killed anyone two years ago I would certainly remember that too; but correspondence on typhus vaccines that fell within the framework of my whole official activity I cannot remember any more clearly than I can remember the other 15,000 letters that I received and sent, and in addition to that an enormous pile of documents that went through my hands everyday. You are asking somewhat too much of me. That I issued no orders for Buchenwald and could not issue any orders for Buchenwald in view of the general situation, and my position, that is clear.

Q Certainly that is clear, and it is ridiculous for you to make the statements, but it not so clear for your knowledge that Buchenwald existed and that Ding was testing vaccines there and using avirulent typhus to infect people; it is not so clear with that knowledge whether you sent vaccines there to be tested, and those are the questions I am directing to you and getting no answer. The Ding diary says you did send them there and as I understand your testimony you admit the possibility that you did it?

A No, I have expressly said that I do not grant that possibility.

Q You remember the testimony of Kogan, Kogan testified that he remembers very well when Ding got the letter, he didn't say whether from you or Mrugowsky, suggesting Copenhagen vaccine be tested in Buchenwald, and he was very elated; now how do you explain the testimony of Kogan?

A I should recommend that the Prosecution read through the record of Kogan's testimony. The matter is set forth there materially differently. Kogan said nothing to the effect that Ding had ever received a letter from me. On the contrary in discussing Ding's correspondence he purposely omitted my name. Moreover Kogan said

nothing to the effect that I had given the assignment that the Copenhagen Vaccine be tested in Buchenwald. He testified here that Ding had expressed his satisfaction that a vaccine was to be tested to my suggestion, and the text of this suggestion, which was directed neither to Ding nor to Mrugowsky I have been able to bring in here as a document. By accident one of the six copies of that report could be found, and I deny that that is a suggestion for human being experiments in Buchenwald, but I do admit that a man like Ding, who hated me so violently because of my criticism of his work, as Kogan here described it, and hesitated to repeat the phrasing that Ding used to describe me, as I say he did say that Ding was glad that he had received a vaccine to which I had drawn his attention as something particularly important.

Q It is the only important —

THE PRESIDENT: Just a moment Counsel.

The Tribunal will be in recess.

(Thereupon a recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Counsel may proceed.

BY MR. McHANEY:

Q Herr Professor, did Mrugowsky ever request that you give him vaccines for use in typhus experiments?

A No.

Q Did you ever discuss the question as to whether the louse could be infected by a vaccinated typhus patient with the defendant Mrugowsky?

A That could be possible. This question played an important role in the discussion about the vaccines and their effectiveness for a time. We had some old Polish observations available to the effect that if vaccinated persons received typhus in spite of that vaccination, no further illnesses could be transferred by such persons. It is possible throughout, since this question was of considerable importance, that something like that could well have been discussed by me and Mrugowsky. We talked a lot about that question.

Q Did you ever negotiate with Mrugowsky concerning vaccines to be tested in Buchenwald?

A No.

Q Let's look at Document 10-2754.

(Document is submitted to witness.)

MR. McHANEY: I would ask that Document 10-2754 be marked as Prosecution Exhibit 431 for identification.

Q (Continuing) Herr Professor, will you read this document aloud?

A "Hygiene Institute of the Waffen SS; Journal No. 795/42.

"Berlin W 15, Knesebeckstrasse 43/44; 16 May 1942.

"To the Oberfeldarzt Professor Dr. Rose; Berlin NW, Posnerstrasse

2.

"Robert Koch Institute.

"Dear Professor:

"The Reich Physician SS and Police has consented to the execution of experiments to test typhus vaccines. May I therefore ask you to let me have the vaccines.

"The other question which you raised, as to whether the louse can be infected by a typhus patient vaccinated for protection, will also be dealt with. In principle, this also has been approved. There are, however, still some difficulties at the moment about the practical execution, since we have at present no facilities for breeding lice yet.

"Your suggestion to use Olzsch has been passed on to the Personnel Department of the SS Medical Office. It will be given consideration in due course.

"With King regards, and Heil Hitler! Your, Dr. Mrugowsky,
SS Obersturmbannfuhrer."

There is a footnote to this letter, and I quote:

"According to telephonic inquiry Dr. Mrugowsky asks to be called by telephone after Professor Dr. Ross's return. Dr. Mrugowsky will not yet be in Berlin in June. His deputy, Dr. Bing, is informed.
20 May 1942."

It becomes apparent from that letter that Dr. Mrugowsky once informed me that the Reichsarzt SS and Police had consented to the testing of typhus vaccines. He then asks me to send him these vaccines. What vaccines he is speaking of I do not know any more now.

Then the question is discussed about lice being infected by typhus patients vaccinated for protection.

I admitted that a possibility exists, and I said that this question was at one time discussed with me.

The final paragraph says that one of my assistants had been drafted into the Waffen SS and that I endeavored to have him used in the Hygienic Service.

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Q. Herr Professor, let's go to the foot-note first. What are the initials "B.L." at the end of that foot-note for? Isn't that Frau Block?

A. Yes, that would be Frau Block; yes.

Q. and Frau Block has been in touch with Dr. Mrugowsky. She notes that Dr. Ding, who I suppose you will admit is Dr. Ding, has been informed. In view of this note we can pretty well disregard the testimony of your witness Frau Block before this Tribunal can't we since she testified of your witness Frau Block before this Tribunal, can't we, since she testified you had not corresponded with Mrugowsky didn't she?

A. She said that she could not recollect any correspondence with Mrugowsky, but you will see from the documents from me which you have before you, that this correspondence in effect was of so little extent that it is quite understandable if she does not remember it in detail. It is a result of my express order that you have these documents available. I ordered that in my institute at Pfaferode no documents should be destroyed under any circumstances. There is a written document available to the effect that I gave such order.

Q. Herr Professor, this letter is in response to one which you wrote to Mrugowsky, isn't it?

A. That's possible.

Q. and in the letter that you wrote to Mrugowsky you asked him to have the Bucharest vaccine tested in Buchenwald, didn't you?

A. I told you before in great detail that I could not remember this matter about the Bucharest vaccine. If you have a letter before you about this matter this would, of course, give me a possibility to refresh my memory.

Q. I should think this letter would refresh your memory, Herr

Court I

Professor, particularly in view of the "ing diary, which has an entry shortly following the date on this letter where Ding carries out his experiments with the Bucharest vaccine among others and says in the diary that the vaccine was obtained from you; and Krugowsky in this letter asked you to send him the vaccines which you have mentioned in your previous letter. There's really no doubt about it, is there, Professor?

A. This possibly becomes apparent.

Q. And was this person Osascher (?) mentioned in the letter? Was he to assist in Buchenwald?

A. He was to be used in the Hygienic Service. Since he particularly dealt with entomological questions I asked that he should work on these questions there.

Q. You got a report from Ding, too, on these experiments testing the Bucharest vaccine, didn't you, Professor?

A. I cannot remember that, and I already told you one that had I received any such report I would have drawn the conclusions from it; and since I did not do that, I think it is improbable that I received such a report.

Q. In view of this letter, doctor, do you want to go back and change your testimony about the Copenhagen vaccine? Didn't you also suggest these experiments, and didn't you also supply the Copenhagen vaccine for the experiments in Buchenwald?

A. No, I have no intention to do that.

Q. Well, in that event I will ask that Document NO-1186 be passed up to you, and this will be marked as Prosecution Exhibit 492 for identification. - Will you read this letter aloud please?

A "Oberstarzt Prof. Rose

O.U., 2 December 1943

To Standartenfuhrer Dr. Krugowsky,
Head of the Hygiene Institute of the Waffen SS

25 April-4-JP-9-3-Burns (Int. Realer)

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Berlin-Zehlendorf 6

Spanische Allee 10

Dear Mr. Krugowsky:

At present I have at my disposal a number of samples of a new murine virus typhus vaccine which was prepared from mice livers and proved in animal experiments to be quantitatively a 1000 times more effective than the vaccine prepared from mice lungs. To decide whether this first rate murine vaccine should be used for protective vaccination of human beings against lice typhus it would be desirable to know if this vaccine showed in your and Ding's experimental arrangement at Buchenwald an effect similar to that of the classic virus vaccines.

Would you be able to have such an experimental series carried out? Unfortunately I could not reach you over the phone. Considering the slowness of postal communications I would be grateful for an answer by telephone. My numbers, all of which go through the same switchboard, are: Berlin 278313

Rapid Exchange Berlin 09, Zossen 559

Luftwaffe Exchange 72, there you ask for R.L.M.,

L. In.14

With best regards

Heil Hitler

Yours

R O S E "

The signature which you see on this photostatic copy is, in effect, my signature. It becomes evident from this letter that I also informed Krugowsky about the Copenhagen vaccine which I did not remember up to this point.

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Q. And you asked him to test the vaccine in Buchenwald, didn't you?

A. This question is dealt with here whether this vaccine can be tested in Buchenwald.

Q. Do you see the name "Ding" written at the bottom of the letter?

A. Yes, you can see it at the bottom of the page.

Q. And it appears that the testimony Kogan was very precise, wasn't it, because Ding got a copy of this letter, didn't he?

A. Yes. Ding's utterances do not only refer to my memorandum but also to the correspondence which was carried on between me and Krugowsky. Apparently it was then transferred to the Reichsarzt SS.

Q. Is the date on this letter 2 December 1943 or February 12, 1943, and I direct your attention to the receipt stamp on the letter which is 21 February 1944?

A. The difference between the two dates can be explained by the fact that considerable time had elapsed after sending my letter and the time this letter reached Mr. Ding during which those agencies dealt with that matter who had to decide upon the approval for carrying out experiments on human beings.

Q. So you maintain that 2 December 1943 is the correct date on the letter?

A. Certainly; that certainly is the correct date.

Q. On the basis of the two letters which I have exhibited to you you will concede that the Ding diary was precisely accurate in what it said, won't you?

A. No, one can't conclude that just like that. The order to carry out experiments in Buchenwald could not be issued by me in any way.

Q. That's very clear ---

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A. That vaccines were requested from me seems to become evident from one letter. I didn't remember it and I still don't remember it now, but on the basis of this letter one has to consider that fact proved. Then it also becomes evident that I here drew the attention of Mr. Mrugowsky to this vaccine and that I mentioned a discussion dealing with human experiments regarding these vaccines.

Q. And you suggested and asked him to carry out experiments with the Copenhagen vaccine in Suchenwald, didn't you?

A. I am asking whether there is still a possibility to carry out such a series of experiments. That is quite understandable, considering the situation, because one can see from my report of 29 May 1943, that this seemed to constitute a considerable progress on the basis of experiments already made on animals. It was known to me that such experiments had earlier been carried out, although I basically objected to these experiments. This institution had been set up in Germany and was approved by the State and covered by the State. At that moment I was in a position which perhaps corresponds to a lawyer who is, perhaps a basic opponent of execution, or death sentence. On occasion when he is dealing with leading members of the government, or with lawyers during public Congresses or meetings, he will do everything in his power to maintain his opinion on the subject and have it put into effect. If, however, he does not succeed, he stays in his profession, and in his environment in spite of this. Under circumstances he may perhaps even be forced to pronounce such a death sentence himself, although he is basically opponent of that set-up. This, of course, does not go that far in my case. I am only in touch with such people from whom I assume that they somehow are included in the official channels of such an institutions which I disapprove of basically and which I want to see removed.

Q. Professor, 6 persons died in this experiment with the Copenhagen vaccine, didn't they?

A. Yes. These were 6 Persons who were furnished by the Reich Criminal Police Office through ordinary channels as they had been determined by competent agencies.

Q. Now, Professor, do you want to go back now and tell us about the conference in December 1941, where the decision was reached to set up this institute at Buchenwald?

A. Are you referring to the discussion of 29 December 1941?

Q. Yes.

A. Well what question do you wish me to reply to?

Q. I would like for you to tell us about that conference.

A. Well, first this conference did not take place discussing such contents as you describe them. Secondly, I have to say, with all certainty, that I did not participate in any such conference.

Q. But you knew about it, didn't you?

A. I know nothing more about this conference of 29 December 1941 from my own knowledge. In the meantime I have read the record of this meeting of that date. I saw it here. You submitted it, and it becomes evident from it, too that I did not participate in it, and also, that a number of other people who are mentioned in the record, did not participate in the conference. Whether at the time when Gildemeister discussed this problem with me, in early 1942, he had mentioned this conference to me, I do not know anymore in detail. I most of all remember the fact that he said at that time that these experiments originated from Under Secretary of State, Conti, and according to the records of the meeting, he also did not participate. Obviously the decision for the execution of these experiments came about somehow much later, during a smaller conference. It is quite logical such a conference must have taken place; but

who participated in such a conference I do not know.
At least I cannot tell you that today, from my own
knowledge. Whether Gildemoister at that time reported
any further details to me about that or concerning
that Conti had made a decision, I do not know today
anymore.

MR. McHANEY: I have no further questions.

THE PRESIDENT: Any further examination of the witness by defense counsel?

RE-DIRECT EXAMINATION

BY DR. FRITZ: (Counsel for Defendant Rose)

Q Professor, the prosecutor asked you yesterday whether you remembered discussions which you had with Professor Holzloehner after the lecture at Nurnberg at the so-called "Cold" Conference. What did you learn from Holzloehner on that occasion?

A This conversation, as I already testified during my direct examination, dealt mainly with the psychological side of any such experiment on human beings. Holzloehner particularly emphasized what a tremendous mental burden it constituted for him to carry out these physiological experiments on human beings; he emphasized specially that as to the mental burden it constituted for the man carrying out the experiment, it would practically make no difference whether the subjects were condemned to death or not, and that even the assurance of a pardon in case of a survival of the experiments, as it had been given in the case of his experiments, did not change the spiritual difficulties for the physician. He said that never in his life would he want any such order again. That was the main contents of this conversation.

Q During that conversation did Professor Holzloehner tell you anything to the effect that these experiments were carried on in Dachau?

A During his lecture, as far as I know, he said nothing about it. Afterwards, during the conversation, I am sure he did not mention it because there was no occasion for him to do that. We were not talking about time and place or any details about these experiments, but we were discussing the ethical and psychological aspects of the experiments on human beings. There, of course it did not matter, whether they were carried out in Dachau or anywhere else.

Q Was Professor Schilling mentioned during that conversation?

A Certainly not. Schilling had nothing whatsoever to do with freezing experiments, and Holzlochner had nothing to do with malaria experiments. Although today I certainly cannot give you an absolutely certain testimony as to the contents of a conversation which took place 5 years ago, I do not believe that anything like that was mentioned. It is highly improbable that Schilling was mentioned because there was no occasion for him to be mentioned. He was carrying out malaria experiments.

Q Yesterday, during cross-examination, the Prosecution submitted a number of documents from which it becomes apparent that your Tropical Medical Department at the Robert Koch Institute was sending Anopheles eggs to Schilling. That was nothing new. This was known to all the participants in this trial. The only thing that I noticed was the Professor Schilling apparently changed the name of the malaria strain which he received from you to your name. Can you say anything more in order to explain that fact?

A. This question of changing the name of this strain has already been clarified through this correspondence. I said it was highly improbable because it is in contrary to the usages of malarial experts, but that does not alter the fact that a malarial strain had been furnished by me and that is something that I have already testified to earlier on the basis of a report by Miss Von Falkenhayn; whether the strain was called "Rosa" or whether it had the old name "Greece," as it was called in my laboratory really plays no roll for this trial. As to the question of furnishing these anopheles eggs-----

Q. Oh, yes, in this connection I have another question, Professor; do you know to whom else your department sent malarial and mosquito strains?

A. Well, here I am in the same position as in the case of Schilling's consignments. Naturally, many such consignments were dispatched by my department during the War, and in most cases I didn't hear anything about them. If at any time I saw correspondence, I naturally don't recall it in detail. If I now suddenly have to speak about it I would have to turn to my collaborators in the same way as then, and would have to try to find out from them what consignments were dispatched, by what assistant, and to whom they were addressed. The situation was that one technical assistant was exclusively working in the dispatch of such consignments. She dealt with the malarial consignment business, if you want to call it that way. Naturally, it is clear that an individual dispatch in the framework of this entire business does not create any particular attention, and remains in one's memory. My collaborators, my assistants, have placed me into a very awkward position here. They testified that such consign-

ments were only made to Schilling in the year 1942. Another assistant said that this was done in the year 1941. I naturally relied upon these statements and then we found out that in the year 1943 another anopheles consignment was sent to Professor Schilling. Naturally, this is quite possible. These really quite excusable, because the actual assistant who was working on this malaria consignment business could not be found up to this date. She probably would be the first one to give exact statements as to the period of time. However, the most essential points in this connection are not the dates, but the facts.

Q. Professor, have you still the documents before you which were introduced by the Prosecutor yesterday?

A. Oh, yes, I brought them along today.

Q. Would you please be good enough to look at document No. 1755, which is a letter written allegedly by you and addressed to Professor Schilling, dated 27 July 1943. I already pointed out yesterday that your signature only becomes apparent by an "R". I now ask you to look at page 2 of that document.

A. Excuse me. I think I misunderstood the number. I understood 1756.

Q. No, it is 1755.

A. Thank you very much.

Q. It says after your signature, and I quote "Sonderfuehrer of the Luftwaffe Dr. Emmel with Consultant Hygienist of the Hygiene Inspector, Robert Koch Institute, Tropical Medicine Department." Does that give you any hint of whether this letter originated from you or whether we are here concerned with one of these customary measures taken when making the consignment of any such material?

A. This entry does not give me any further clues. I think that it is a clear proof that in July 1943 mosquito eggs, were sent to Dachau. How this was carried on in detail does not become apparent from this letter. I don't remember these various affairs regarding the vacation and airplane.

Q. When discussing the document which was yesterday introduced by the Prosecution, NO 1756, you told the Tribunal that Professor Schilling wanted this spleen material for the Henri reaction; is this a customary reaction?

A. This is a reaction which is necessary for diagnosis of chronic malaria and was introduced by the French researcher Henri, and it also bears his name. It was applied for a few years quite generally in all malaria inflicted countries. It is a rather complicated question. Then it was forgotten somewhat, because it did not live up quite to expectations, but a number of Institutes are still applying that method. Now and again it was demanded by my laboratory, but we didn't carry out that reaction. Such requests came too seldom, and it wasn't worth our entire effort.

Q. In this document there is a letter written by you to Professor Schilling in which malaria spleens are mentioned; did I understand you rightly that you mean by that the spleen of bodies of such persons who died of malaria, and at the same time another question; is it permissible to take such human organs from corpses?

A. Let me first deal with your first question. A malaria spleen in that connection is the spleen of the human body in the case of a person who either died of malaria or who was suffering from chronic malaria but died

of some other disease. For instance, somebody who died as a result of cancer but simultaneously was suffering with chronic malaria. This is in answer to the first question, what a malaria spleen was. The second question whether it is permissible to remove organs from a human corpse has been settled legally. The legal aspect concerning the corpses of the human being, and I think there is a rather extensive legal literature on that subject, include the following principles, which the physician knows, and that refers to German law. For instance, the heirs do not gain any right to own the corpse of any deceased person. In other words, the interests of the heirs cannot be damaged by any interference with the corpse. Furthermore, as far as I know it has been established legally in Germany that in the case of autopsies carried out by physicians, parts of the corpses may be removed for scientific purposes. When looking at museums or pathological institutes you will find that they almost only consist of such preparations of organs which were removed during such autopsies. If for instance you would visit a criminal scientific museum, which you probably have done in the past, as a lawyer you will also note that there are to be found similar preparations which are of interest as to criminal law, and being preserved or exhibited there. I believe that similar laws exist abroad, if not the same. In Germany there were even regulations to the effect in what manner one has to deal with the parts of a human corpse, after they are no longer used for scientific purposes. In that connection one was not allowed to treat these parts as waste, but it was legally prescribed that they had to be buried in the proper manner even if the entire corpse and grave was no longer known. These

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April 25-M-11-12-5-HD-Meloy-Rammeler.

regulations are mainly known in pathological institutes,
since it is always those who are working with corpses.
As far as I remember this matter regarding malaria

spleens I gave a directive to my assistant to the effect that we got into contact with a number of pathological institutes in Berlin, and asked whether there was a possibility to fulfill Dr. Schilling's wish.

Q. Is there another better known medical reaction during which organs from human corpses play a part?

A. Yes, there are a number of such reactions. The reaction best known to the layman is the so-called Wasserman reaction, which is the examination of the blood in the case of syphilis, as reagent an extract from the liver of newly born children is used, who had died as a result of hereditary syphilis. These livers contained the syphilis germs to the same extent as it is found in bacteriological culture. There are still institutes today who are working according to this original method of Professor Wasserman, although in the meantime, this procedure has been further developed, and a number of modifications of this original method exist during which extracts from organs of animals are used for the very same purpose. There are a number of other examples and tests and examinations where the use of parts of human corpses is necessary.

Q. I have another question to the document which was introduced by the Prosecution yesterday, NO 1752; this is a letter written by Schilling to you, dated 4 April 1942, have you that document before you?

A. Yes, 1752.

Q. In the first paragraph Professor Schilling asked you to send him another few infected anopheles eggs and then going on you say that he would certainly be grateful to you for your renewed support of his work. A layman would conclude from that at least that you were informed about Schilling's work which he was carrying out in Dachau; would this conception be correct?

A. No, certainly not. Obviously this was the entire correspondence which Professor Schilling had with me throughout

these years, and it was all submitted to the Tribunal. This entire correspondence referred exclusively to the consignment of mosquito eggs and this one malaria strain, about which it is said expressly that in April 1942 it was one of these six strains with which Professor Schilling was working. There existed no correspondence at all about Schilling's work. If any such correspondence had existed one would have found it in the same files from which these letters also originate. It is quite clear what is meant by support in this letter. It is the fact that he received 10 anopholes from my laboratory and that in the glands of two of these anopholes, malaria protozoa could be found, which Professor Schilling had been using for some of his experiments. On the basis of this fact, namely that he got two mosquitoes he says that I was giving him support.

Q. I must shortly refer to another document which is Document 1059, which is the letter by Professor Haagen to you dated 29 November 1942. This is what it says on my copy, but I think it must be 1943.

A. In the original it was 1943.

Q. Now, Professor, I want to ask you something about the word "subsequent infection" and Mr. McHanoy didn't understand this was to mean active subsequent infections. I really want to put no further questions to you about that matter, because I learned this morning that an affidavit of one of the assistants of Professor Haagen, Fraulein Grodel, has been received here, from which one can see the correctness of the description as you gave it. This affidavit is going to be submitted to the Tribunal; but I have another question to this document. The Prosecutor asked you about the significance of the words "epidemic strain," — you find that word in the last paragraph of this letter. Is this a strain with which you can produce epidemics, or what is the situation?

A. I already yesterday answered the Prosecutor's question to the effect that an epidemic strain is a strain of rickettsia protozoa.

The rickettsia protozoa is the cause of lice typhus. The louse typhus in medical literature is usually not designated as a louse typhus, but has the name "epidemic typhus," or "classical typhus." For that reason it is quite customary to speak of epidemic strain whenever speaking of the protozoa strain. On the other hand the murine typhus is also called "Endemic typhus." This is a difference in terminology. The germ of endemic typhus, this murine typhus, is the rickettsia murina or moseri. In that connection you can, of course, speak of Endemic Rickettsia. Epidemics can originate from both of these typhus kinds. This document, however, confirms my statement. During my direct examination I testified that Professor Høgen with his dry vaccines was at first working with a vaccine from murine virus in continuation of the work carried on by Blanc, and that only later he started to work with the methods which had proven themselves with this murine strain, and began to produce a vaccine from a protozoa strain, and Endemic strain. He had to work on that for a few months in the laboratory, because this strain first of all had to be changed into an avirulent strain with the help of modern virus research. The fact that by applying the methods and alleviation was the result had to be examined in the examination of animals. Høgen in his reports described this procedure in great detail. Only after having gone that far with animal experiments he could go one step further and try to find out how the compatibility of this to dry vaccine applied to human beings.

Q. My last question in connection with Document NO 1186, which the Prosecution introduced a little earlier —

THE PRESIDENT: Counsel, before propounding your question —
The Tribunal will take its recess until 1:30.

(Thereupon a recess was taken until 1:30 p.m.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 25 April 47.)

THE MARSHAL: The Tribunal is again in session.

May it please your Honor, Defendant Brack having been excused, he is now absent.

THE PRESIDENT: The Secretary-General will note the absence of the Defendant Brack, pursuant to excuse by the Tribunal.

Counsel may proceed.

GERHARD ROSE - Resumed

REDIRECT EXAMINATION (Continued)

BY DR. FRITZ:

Q. Professor, I have one last question regarding the document the prosecution last put in, your letter regarding the experiments with the Copenhagen vaccine. Can you tell me something about that? Tell me about what the results were of testing this vaccine in Bucherwald.

A. The results of this experiment as set down in Ding's diary, namely, the ascertainment that this vaccine which seemed superior to the lung vaccine when used in animal experiments turned out to be useless for use with human beings, that is in the Ding diary. That was the result of the experiment. The practical consequences of the experiment were that the Ipsen vaccine, the introduction of which I had energetically recommended in September 1943, was not introduced. That was a very important decision for it this vaccine had been introduced, which could be produced two and a half times more copiously than the lung vaccine, then there would have been much greater amounts of vaccine available for people in danger. Today it cannot, of course be said for certain how many human beings would have died as a consequence of using this useless vaccine that I had recommended. But there is no doubt that the number of these deaths would have been materially higher. And from the point of view of my responsibility as a hygienist, — the responsibility for those who died because a vaccine which I recommended, but which was

nevertheless useless, was used, as I say, the responsibility would lie heavier on me. For one thing, because the number of persons involved would be higher, higher than the responsibility which a court may ascribe to me for having approved this experiment on persons who had been assigned to this experiment by the competent state authority, as can be seen from the documents that the prosecution has put in.

DR. FRITZ: I have no further questions in the redirect examination to put to this witness.

THE PRESIDENT: Are there any questions to be propounded to the witness by other defense counsel?

BY DR. SERVATIUS (Counsel for defendant Karl Brandt):

Q. Witness, under examination by the prosecution you mentioned an experiment that was carried out in a foreign country on persons condemned to death, and you said that carbon tetrachloride was the drug used, is that correct?

A. Yes, that was carbon tetrachloride. That is a medicine which is used frequently in the treatment of hookworm.

Q. Witness, I have one question here. What happens if carbon tetrachloride is heated?

A. You must not heat carbon tetrachloride. Carbon tetrachloride is CCl_4 and if you bring that into juxtaposition with oxygen and heat it phosgene gas, which is a poison, is created. The toxicity of carbon tetrachloride in practical use rests on the fact that ---

Q. Witness, I am not interested in the details. You do say that phosgene is created?

A. Yes, that is generally known.

DR. SERVATIUS: No further questions.

BY DR. FLEMING (Counsel for defendant Krugowsky):

Q. Witness, the prosecution at the conclusion of the cross examination showed you Document 1754, which surprised you. Will you please take a look at that document?

A. I don't have the document here.

Q. Will you please take a close look at this document. A large number of Krugowsky's letters from the Hygiene Institute have been put in evidence. All of these letters had at the letterhead a reference to the letter that was being answered, or they began by saying, in answer to your letter of the such and such. Is there anything of that sort in this letter?

A. No, there is no reference to a previous letter.

Q. When you looked at this letter here you, because it was addressed to you, assumed that a letter from you must have been what this letter refers to. Now if you look at this letter more closely can you tell me whether you remember for certain that you wrote a letter to Krugowsky or Grawitz or someone else to which this is the answer, or is it possible that, as in other cases, Gildemeister or Conti turned to Grawitz and that Krugowsky answered the letter on orders from Grawitz?

A. That is, of course, possible. In the cross examination I stated that I did not remember these events, and in particular I stated that I did not remember having given a suggestion that this lung vaccine should be tested. It is, of course, possible that the question of this lung vaccine was negotiated between other offices and that Krugowsky as a result of these discussions received some such assignment.

Q. Is it not to some extent probable that you were not the person who wrote the letter that preceded this one, because this letter so deviated from the form that is usually prescribed for military letters?

A. Normally, if I should write a letter and receive an answer to it, then the military form prescribes that there should be a reference to what this is an answer to, and then the letter would be answered, so what you say is true.

Q. Also, Document 1186 was put in. That was your letter to Krugowsky. In this letter —

A. I beg your pardon. I don't have the letter.

Q. I am going to read an excerpt from it. In this letter it states: When the typhus vaccine from mouse livers was being considered it would be desirable to know whether in the experiments in Buchenwald there were the same protective results as were obtained from vaccines from classical virus. Are you in a position to have such an experimental series carried out? Did you know anything more

precisely about the experiments in Buchenwald, in particular Ding's subordination relationships so far as the typhus experiments in Block 46 are concerned?

A. No. Of that I knew nothing. That can also be seen from the letter, because I am addressing an inquiry about matters that I know nothing about. If I had know about them, I should not have had to inquire.

Q. If this letter was put in this morning, do you know whether you received an answer from Krugowsky or anyone else to this letter and what the contents of the answer were?

A. I can recall no answer and no correspondence in this matter. If there were an answer it probably would have been put in evidence here.

Q. In other words, on the basis of the two documents put in this morning you can say nothing about Ding's position in the typhus experiments or about Krugowsky's participation in them.

A. There is nothing to be seen about that in these documents, and just what the subordination relations were in the SS, I never knew anything about, so I don't know it today.

DR. FLEMING: No further questions.

THE PRESIDENT: If there are no further questions on the part of the defense counsel the Prosecution may cross examine as to matters which have been brought out since the close of the cross examination.

MR. McLANEY: No further questions, Your Honor.

THE PRESIDENT: Counsel for Defendant Rose has no further questions of the witness?

The witness Rose is excused from the witness stand and will take his place.

DR. FRITZ: Mr. President, I have a few documents to put in that I have not yet put in. May I do so now?

I put in as further document from Rose Document Book 2, Document 24, Rose Exhibit 40, Pages 25 and 26 of this Document Book. This is an affidavit by Dr. Friedrich Grunske of February 6, 1947. Since the Prosecution had dropped the charge against Rose so far as it concerns yellow fever, this affidavit has pretty well lost its importance for Rose's case. However, I believe that the affidavit will be of value to the Tribunal in its search for the truth. The Bench will recall that Mr. McHaney and myself had a controversy regarding the interpretation to be put on the German word "Probe", and Mr. McHaney proved with a dictionary that it could mean both "sample" and "experiment". Now I have had another affidavit given to me by the man who made this affidavit, who certainly must have known just what he meant, and he certifies in the last paragraph that when he spoke of "Virus Proben" he was talking of virus samples and not virus experiments.

DR. FRITZ: I now offer another document from Rose Document Book III -- Document 41. This will be Rose Exhibit 41. The document is on page 83. This is an affidavit on the part of Dr. Hildegard Hoering. This is the wife of the Professor Hoering I called as a witness who has already pointed out in his testimony that his wife worked for a certain length of time with Professor Rose in the Robert Koch Institute. I do not wish to read this document. Frau Hoering here explains what Dr. Rose said to her regarding the question of euthanasia.

As the next document I put in the next one in the Document Book -- Document 42. This will be Rose Exhibit 42 and is an affidavit by Mr. Schmidt -- Jaeger of 27 January 1947 on pages 84-5 of the Document Book. This man is a person who has known Dr. Rose since 1922 and makes statements regarding Dr. Rose's character. I shall, however, not read the document.

I now offer the next document, Rose Document 43, Rose Exhibit 43, page 86 of the Document Book. This is an affidavit of the Swiss citizen Dr. Peter Peiser of 12 February 1947 on page 86 - 87 of the Document book. Dr. Peiser also knows the defendant Dr. Rose, having been with him in China. Dr. Peiser is moreover a Jew and gives Dr. Rose a good character reference. I shall dispense with reading the document.

As the next document comes Rose Document 44, the next one in the Document Book. This will be Rose Exhibit 44. This is a letter to myself from Professor Brumpt from the Parisian Institute of Parasitology, 19 November 1946; which concerns the professional qualities of Professor Dr. Rose and this document --

MR. McHANEY: If the Tribunal please, I don't think that the letter is in the form of an affidavit. I interpose a formal objection. I personally don't mind seeing the document admitted but I raise the objection because I don't want to see any precedent established with regards to letters of this type addressed to

Defense counsel.

THE PRESIDENT: Counsel for the Prosecution is correct. This is merely an unsworn-to letter.

DR. FRITZ: That is quite true, your Honor. Perhaps the Tribunal would care to look at the original and thus assure itself of the authenticity of this letter.

THE PRESIDENT: That is not the basic reason for the objection. The letter is an ex parte statement written without any responsibility, not under oath at all. And, if the Tribunal would admit such letters as this we would very likely be swamped with letters to persons both for the prosecution and for the defense. If counsel for defendant desires to procure a verification or oath to this letter it might now be admitted provisionally subject to later on presenting something in proper form which would make it admissible.

DR. FRITZ: Then I shall follow that procedure, Mr. President. The next Rose Document, Document Rose 45, on page 89 and 90 of the Document Book I shall put in as Rose Exhibit 45. Here the situation is the same as the immediately precoding document, to wit, the document is not sworn to. The difference, however, is that the letter was addressed to the President of War Criminals Court and was made available to me by the Secretary General.

THE PRESIDENT: The fact that the letter is directed to the President of War Criminals Court does not change the basic situation. It is still a purely ex parte statement in the letter and not made under oath.

DR. FRITZ: Then I shall put this document in for the present simply for identification and then later produce a sworn certification. Herewith, Mr. President, I have put in evidence all the documents in my Document Book with the exception of Number 48 in the Supplementary Volume. This is the very last document. I don't believe it is necessary for me to put this document in in view of the charge that the Prosecution has dropped against the defendant Rose.

THE PRESIDENT: Document Book II, Document No. 27, I have not marked as an exhibit received.

DR. WITZ: I thank you for bringing this to my attention. This was an oversight on my part. This document I did not put in. However, I should like to do so. That is Rose Document Number 27 and I shall put it in as Rose Exhibit No. 46. This is an affidavit by the University Professor, Dr. Franz Buschner of 3 March 1947, pages 57 to 61 of the Document Book. I shall forego reading the document because it concerns itself largely with the question of hepatitis epidemica since the Prosecution has dropped its charge against Professor Rose. However, on page 60 of the Document Book, at the end of the document it also concerns itself with Professor Rose's personality.

Mr. President, my secretary points out to me that I have failed to put in another document, to wit, Document 40 in Document Book III. This is an affidavit by the physician Dr. Karl Kuchlens of 13 February 1947 which I offer as Rose Exhibit 47. It is on pages 78 to 80 of the Document Book. It concerns itself with Professor Rose's criticism. I shall not bother to read this document either. This, I believe, is all the Rose Documents and this concludes my presentation of the Rose case. However, I should like to reserve for myself the right to put in a few documents later. For example, I am expecting some from England.

THE PRESIDENT: As in other cases, the Tribunal will reserve the counsel for the defendant Rose the right to offer the documents he may receive at some later time prior to the time that the evidence is closed.

The defendant Rose having rested his case we will now call the case of the United States versus Ruff, Rosenberg, and Woltz.

DR. SAUTER (Defense counsel for the defendant Ruff): Mr. President, it is my intention, first of all, to call Dr. Ruff to the stand. Thereupon, I shall have two witnesses to hear if they have arrived here from Berlin by Monday or Tuesday. If the witnesses do not arrive, I have procured affidavits from these witnesses which I shall put in evidence. I have handed in a rough document book which contains documents 1 to 17. Then I have four annexes to this - Annex 1, with documents 18 and 19; Annex 2, with document 20, Annex 3, with document 21; and Annex 4, with two documents, Documents 22 and 23. With the permission of the Tribunal, I should like to call the defendant Dr. Ruff to the stand.

THE PRESIDENT: The witness Ruff will take the witness stand.

SIEGFRIED RUFF, a witness, took the stand and testified as follows:

JUDGE SEERING:

Please hold up your right hand and be sworn.

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

You may sit down.

MR. HARDY: May it please Your Honor, before Dr. Sauter begins, the prosecution has not yet received Supplements 3 and 4 and, in addition thereto, I am not aware of the fact that we have received the notice of the two witnesses to be called by Dr. Sauter for the defendant Ruff. It may well be that we have and I have not received them yet, and I would merely like to know the names of the two witnesses he intends to call if they arrive from Berlin.

DR. SAUTER: I believe the Tribunal has the supplementary volumes 1 and 2 since long. The volumes 3 and 4 will probably be given to the prosecution and the Court on Monday.

THE PRESIDENT: The Tribunal has no supplementary document book.

DR. SAUTER: Here they come.

(Document books were presented to the Tribunal by the Secretary General).

And the two witnesses whom I intend to call, assuming that they get here from Berlin, are Dr. Freitag and Fohmeister, but I much doubt whether they will get here from Berlin.

DIRECT EXAMINATION

BY DR. SAUTER:

Q. Dr. Ruff, you are forty years old?

A. Yes.

Q. Are you married?

A. Yes.

Q. Have two children, ages 4 and 8?

A. Yes.

Q. You studied medicine, took your degree, and were then assistant at a University clinic but, however, did not set up your own practice?

A. That is true. Never.

Q. You entered the service of the Luftwaffe and served not in the Luftwaffe but in the Versuchsanstalt fuer Luftfahrt. Perhaps you can explain how that came about. When did you enter that institute?

A. During my study as a doctor I spent my spare time studying aviation. That is to say, I flew as a sport -- at first, gliding, and then motorized flight. Of course, as a student of medicine who concerned himself with sport aviation I, of course, was interested in the medical questions that concern aviation. When, after my studies were concluded and I had taken my doctor's examination, I was an assistant at the University clinic at Bonn. I began to concern myself with the medical questions of aviation and to experiment in this field. The work I did at that time was mainly concerned in ascertaining whether the climatic conditions that one meets when one climbs to a high altitude could be used, in any way, for the therapeutic purposes. At the end of the year 1933, one of my teachers, the

physicist ordinarius at the University of Bonn, recommended me to the Experimental Station for Aviation as a medical consultant. I accepted this position in 1934. In other words, since 1934 and until the collapse I was a physician in the Experimental Station for Aviation.

Q. You were the director of this institute?

A. First when I came to the institute in 1934 I was scientific collaborator in the institute. I was the first and only medical collaborator in this research institute, and was first assigned to the Department for the Investigation of Technical Accidents. Thus, in the first years of my activities there, I concerned myself with questions of accidents, worked on the medical questions involved, and since this field became larger and larger, I finally received a department and finally I built a medical institute with several scientific collaborators.

Q. Was this aviation medicine institute that you were in charge of -- was this a part of the Luftwaffe?

A. This DVL did not have any legal status of its own. It was one of many institutes that were included under the term "DVL", namely, Deutsche Versuchsanstalt fuer Luftfahrt. At the end of the war there were about twelve or fourteen such institutes within the framework of the DVL.

Q. What was the managing board of the DVL?

A. The DVL was a registered association, founded by private and governmental sources, in order to conduct research into the scientific basis for aviation. The association consisted of individual industrial firms and state offices and officials. The board of managers was elected from this group of people. It consisted again of private individuals, of representatives of individual industrial firms who were members of the association, and of representatives of other governmental institutes. The board of managers of the DVL determined how the organization was to be managed, and it appointed the institute and departmental chiefs. The management,

at that time, consisted of one scientist. To him were subordinated four directors. Three of these directors each had a group of scientific institutes under him, and the fourth director was in charge of administration, construction, etc. In this group of institutes they were subordinate to the individual directors. My institute was the one entitled "Equipment".

Q. You were the leader of this institute until Spring of 1945. Were you then professionally active thereafter, and if so, when and where?

A. From the Spring of 1945 until the autumn of 1945 I was unemployed. From October, 1945, to September 1946, I was scientific collaborator of the Aero-Medical Center of the United States Air Forces.

Q. What was your position there, just in general?

A. My activities were similar to those that I had under the DVL.

Q. Were high altitude experiments carried on in this Aero Medical Center such as you are accused of in this trial?

A. I experimented in the field of high altitude research and also carried out high altitude experiments in the low pressure chamber as I had done in my institute and of which I am here accused.

Q. Did you use a low pressure chamber such as was used in Dachau?

A. Yes.

Q. Now, what specific tasks did your institute have? Namely, the institute of which you said previously that it had the title "Air Medicine Institute"?

A. In general, this institute had the job of finding the medical and scientific bases of aviation and investigating the general practical questions that confront aviation.

Q In what way was this institute or the D.V.L. subordinate to the Air Ministry?

A The D.V.L. received its instructions from the Air Ministry until the end of 1941 from the so-called research department of the Air Ministry and then from the research director of the Ministry. My institute, the Institute for Aviation Medicine, had a particular position with the D.V.L. to the extent that we were subordinate to the Medical Inspectorate of the Luftwaffe and had to report to it and receive orders from it. However, the orders which we did receive from the Medical Inspectorate concerned only technical matters. In other words, it was not a military subordination or command.

Q Who was chief of the Medical Inspectorate of the Luftwaffe at that time?

A At that time, Hippke.

Q The same Hippke, who has often here been mentioned?

A Yes.

Q What were the relations between your institute and the party; the SS and the SA and what were your relations to the N.S. Doctors Union?

A The German Experimental Institute for Aviation, as well as my own Institute, had no relations at all to the party, to the SS or to any other party agency. The Institute, as I have already said here, had been founded in the year 1911, it was a registered association and had no affiliations to any party agencies.

I, myself, at the end of 1937, entered the party as a party candidate and was finally accepted in the year 1938. I did not belong to the SS, the SA or to the National Socialist League of Physicians.

Q You were saying that you were accepted into the party

in the year of 1938; did you then become a proper party member; did you receive the party membership book; did you receive the usual obligations; were you placed under oath, etc.?

A I said that in the second half of 1937 I signed my application for party membership and that in the year of 1938 I was actually accepted. I never received a so-called party book, nor did I get any obligation.

Q During the subsequent period, did you hold any office in the party?

A No, I never exercised any office with the party.

Q Mr. President, in that connection I should like to offer an affidavit as Document No. 2 in Document Book Dr. Ruff and I shall give it Exhibit No. 1, Ruff Exhibit No. 1. This is an affidavit by Engineer Otto Fuchs, given on 23 December 1946 and certified and signed on the very same day before the competent Burgermeister. After the customary introduction, the witness Otto Fuchs says, but at first states that he was a deputy member of the Board of Directors in the German Experimental Institute for Aviation and then he speaks about Dr. Ruff:

"Dr. Siegfried Ruff, as chief of the 'Institute for Aviation Medicine' was also employed with the D.V.L. As far as I remember he was appointed to this position by recommendation of Professor Dohnen, amongst others, who was at that time Chancellor of Bonn University. This alone shows that party political consideration did not lead to Dr. Ruff's appointment, but exclusively scientific considerations, and especially the fact that he, as an enthusiastic and extremely gifted pilot, seemed to be particularly suited to understand the problems, which arose during actual flights, and to submit these to scientific examination. I saw and

talked to Dr. Ruff almost daily, unless either he or I were travelling. His political opinion is known to me well enough to be able to testify about it.

2. I would like to emphasize the following about Dr. Ruff's character and his general human qualities as far as I was able to observe them:

a) His readiness to listen to all human troubles and his ever present willingness to help with advice and action. He always put in a good word for the accused in any kind of disciplinary action, especially in connection with the often incomprehensible severe sentences for violations of flying discipline and order, but also in matters pertaining to offenses against civil laws. He tried to awaken human understanding by explaining the psychological backgrounds and by citing his own experiences. His attitude impressed me favorably and as a result we frequently discussed the idea of attaching a section for aviation psychology to his institute. His kindly, frank manner seems, by the way, not to be an individual characteristic but a quality possessed by his entire family.

Dr. Ruff had a very high conception of his medical calling. He demanded from himself and his staff the highest personal effort. I know, for instance, that he and his colleagues carried out the most dangerous aviation experiments, such as those on acceleration-endurance, sitting personally at the controls. Dr. Wieshofer who participated with him in these investigations, met with accidental death during one of them. In the same way he repeatedly performed experiments on himself in the centrifuge and in the high-altitude chamber. During those experiments he often reached the limit of endurance and consciously accepted pain and physical disorders. This spirit, by the way, did not reign

exclusively amongst the doctors of the D.V.L. I know for instance, that Dr. Benzinger of the Airforce Research Institute Rechlin also conducted highly dangerous experiments on himself as an experimental subject.

I never noticed that Dr. Ruff was possessed of an unusual or even a pathological ambition, which might have resulted in his acting against his better conscience for reasons of decoration or career. His simple, modest, quiet demeanour, his integrity, and his dislike of meeting his superiors more often than official necessity demanded, resulted in many personal setbacks, for instance, his promotion to a professorship; but nevertheless this caused no injury to his self-confidence which might have resulted in a desire to alter his way of life or to push himself into the limelight.

For these mentioned reasons I consider it absolutely impossible for Dr. Ruff to have committed a crime against the law and against humanity.

b) Dr. Ruff seemed to me at no time so enamoured of national socialistic ideology that he accepted all decrees, speeches and actions of the government without criticism. Neither did he agree with the brutal treatment of the Jews, nor with inhuman warfare, as far as we knew about it. I remember the horror with which he discussed the destruction of the Warsaw Ghetto when rumors about this occurrence reached him. The order to kill parachutists who bailed out and especially Dr. Goebbels' malicious statement that enemy air-crews who bailed out, could no longer be protected from the fury of the population, which was practically an incitement to murder, he regarded as infamy quite incompatible with the honor of a soldier, and he expressed himself openly to that effect. He also sharply criticized the surprise daylight attack of German fighterplanes on London - I forget the

date - when crowds and buses were fired on. In contrast to this on returning from visits to the front, he gave repeated examples of how the Allied Command respected the Red Cross, contrary to propaganda statements."

I think I shall skip the next paragraph and I shall continue with Paragraph 6. Well, I don't think I have to read that either, it mainly repeats his political attitude and this also applies to Paragraph 4. I ask you to take notice of these paragraphs and I will continue with Figure E.

"6) As far as I know, Dr. Ruff was not in close contact with the SS. As he was by nature against all extremists, he could not very well agree with the radical demands of this organization. He saw in the racial doctrine, as did every educated man, a crude conclusion based on the mental capacity of the masses, from insufficient scientific material, and therefore completely distorted; their attitude toward the churches, their system of supervision and spying, their penal institutions (concentration camps) and their political intolerance were in contrast to his tolerant nature; respect for the rights of the individual, willingness to listen to the opinions of others, and a desire to extend the scientific and human horizon were inborn in him.

"3) I myself did not belong to the party and its branches, neither in actual fact nor in sympathy."

I don't think I have to read the last. Then follows the certification.

In this connection, Mr. President, I offer to the Tribunal as further evidence Document No. 4, which is to be found in Document volume Ruff, which you will find on Page 12 of the Document Book. This will be Exhibit No. 2. It is an affidavit of a certain architect called Hermann Brenner,

who from the year 1928 until April of 1945 was a member of that Institute. In other words, for seventeen years he was in a position to acquaint himself with the situation. I don't have to read this affidavit in its entirety, but I ask you to take notice of it. I merely want to read the second paragraph under 2 and the last paragraph under figure 3. Under Figure 2 it says and I quote:

"It was well-known in the German Experimental Institute for Aviation that Dr. Ruff carried out a series of experiments in aviation medicine on his own person. This was in conformity with his own ideas and with the principles of the Institute, which laid down that, if any important experiments were to be carried out on human beings, he and his colleagues must be the first to volunteer for such experiments (aviation experiments, low pressure chamber experiments)."

I am now going to read the last paragraph under Figure 3:

"Dr. Ruff naturally took part in these debates as well, expressing himself just as unreservedly as all the others on the subject of the State Leadership. When for example the subject of the killing of parachutists came up - I do not know if such an order did exist - Dr. Ruff was strongly opposed to such an idea as being, in his opinion, not only a contradiction of the principles of decent warfare, but also of his sportsmanlike opinions as an aviator."

This affidavit is certified also in the proper way.

"Witness, one witness who has testified here, said that you were not considered to be nominated for a professorship; is that correct and what is the true situation? I merely am putting that question to you because from various sides I have been informed that you were an authority and renowned authority in your special field?

"I think that I received in 1936 a lecturer assignment

regarding aviation matters at the University of Berlin. During the winter semester, 1937 to 1938, I qualified as a lecturer at the Medical Faculty of the University of Berlin and during the year of 1941 was released from the research department of the Aviation Ministry or rather was suggested as a research lecturer. Opinions had to be expressed by two or three professors on this suggestion. In my case one was Professor Rein, who was and is today the physiological expert at the University of Goettingen and the present rector of that University. The other was Professor Strughold, who was at that time the head of the Aviation Medical Institute of Berlin and is at present ordinarius for physiology at the University of Heidelberg and scientific collaborator of the Aero Medicine Center, U.S. Army Airforce. The third was Professor Knothe, at that time Professor for x-ray at the University of Berlin and the head of the Experimental and Lecture Department of the Luftwaffe. Now he is the head of an x-ray department at Hanover. At that time, I was not promoted to a professorship and in the year 1944 I heard from the referendum for research work in the Aviation Ministry that the application, dated at that period had not been approved, because I was considered by the party agency that had been asked, as completely lacking party interest and party activities. In the year of 1945 another such request was made by the Aviation Department, but because of the eminent collapse nothing was done.

Mr. President, I received the qualifications written at that time about Dr. Ruff from the University of Goettingen. These qualifications originate from the Ordinarius for Physiology, Professor Dr. Rein, who is at present lecturer of the University at Goettingen. I offer this as evidence and it is to be found in the Document

Book Ruff, Document 5 on Page 16 - Pages 16 to 19. This opinion of Dr. Rein has his signature and is certified by a notary:

"I know all the details of the scientific accomplishments of Dr. med. habil. Siegfried Ruff. His work is distinguished by its objectivity and its reliability, and is often highly original. He was unusually fortunate in dealing with the problems of practice by modern scientific methods, and thus was able to achieve many important results. I was convinced that he was completely master of the secondary and basic sciences of his field of work, and that he constantly endeavored to keep up with their advances. I am convinced that, scientifically, Dr. Ruff is full of promise; the intensity of his work shows an increasing curve. I think that he fully deserves the title of Professor of research."

There is a second expert opinion by this Dr. Rein, director of the University of Goettingen, which can be found on page 18 of the Document Book and which is also included in Exhibit 3. I am not going to read it because it conforms to the opinion written in 1941 and it merely refers to the three years that have elapsed, and is just as favorable as the preceding opinion.

In this connection, Mr. President, I am now offering an affidavit by the previously mentioned Dr. Strughold, dated 28 January 1947, to be found in Document Volume Ruff, Document 9, on pages 31 to 34. This affidavit was certified in the customary manner by the competent officer of the Air Medical Center in Heidelberg, and I shall read it because it is of special significance when judging the character of Dr. Ruff and because this Professor Doctor Strughold is an expert who has not been equalled by anyone in Germany.

MR. HARDY: May it please, Your Honor, I don't think it is necessary for Dr. Sauter to read each and everyone of these character reference affidavits, giving the background of the Defendant Ruff, into the record. He has read one quite extensive affidavit, which I did not bother to object to the reading of because I thought if he read one, he might let up and not read the rest of them, but it appears that Dr. Sauter intends to read each and every one of them. I think he can well ask the Tribunal to take notice of the affidavits without reading them here.

DR. SAUTER: Mr. President, I would like to follow this suggestion, if the Prosecution would abide by similar principles, but up to the moment I have never experienced it that in a case where the prosecution would have a number of incriminating witnesses, say ten, would say that I am going to read one such statement of the witness and I ask you to take notice of the others. If ten prosecution witnesses are available, I am sure all ten of them will march up and give evidence. I am of the opinion, if I have 10 witnesses, who are testifying on behalf of my client, I should be permitted to offer the evidence. I am sure the Tribunal will permit me to read half of them.

Mr. President, this reading of affidavits is 10 times more expedient than bringing witnesses over here and questioning one after the other, for one or two days. I think I shall have only one witness when I shall examine here and I think I will finish in a short period of time. I am of the opinion that these affidavits are very important for the judgment of the personality of the Defendant Ruff, because he has come into this trial in a very unfortunate manner. During the course of the proceedings, I shall submit quite a number of affidavits and I shall

ask you to only take notice of them, but I shall ask to read the most important ones.

THE PRESIDENT: The Tribunal has very largely yielded to the opinion of counsel as to what affidavits should be read and what portions of the affidavits should be read and what should simply be submitted in evidence, when submitted to the Tribunal for consideration. Of course, character witnesses testify only for the defendants; these affidavits, concerning the character of a defendant, are not particularly helpful when read into the record. It is quite proper for counsel for the defendant to read striking paragraphs and important portions of them, but those exhibits which are in the record and admitted in evidence before the Tribunal, will all be considered and be given the same consideration as if they had been read in their entirety in the record. In some ways it may almost be imagined they will receive more attention, because in reading through a long record, one comes to lengthy affidavits, one might then go back to the Document books and read the affidavit, which is therein contained. The Tribunal will, as it has before, except in cases where the privileges are abused, allow counsel for the defendants to use their best judgment in reading affidavits, or those portions of them, which they desire to put into the record. The affidavits, of course, are of two classes; factual affidavits and affidavits as to character, and for the factual affidavits a much greater reasons exists for the reading of those into the record and putting them before the Tribunal than is true in the case of character affidavits.

At the present we will leave the matter to the best judgment of counsel as to what affidavits, or portions of

them, should be read and what should simply be admitted in evidence. Of course, counsel for all parties might probably be again reminded, they will be called upon, to furnish trial briefs to the Tribunal, and in the trial briefs they will call attention to those portions of the record, whether in the Document Book or in daily transcripts, on which they particularly deny; but actually in a record of this length the Tribunal will rely very strongly on trial briefs, submitted by counsel for the respective defendants and in those briefs, ample opportunity will be afforded, counsel to call attention, and it will be their duty to so do, and to call attention to those portions of the record, which they deem particularly pertinent to their client's case. Counsel may proceed.

DR. S.UTER: Thank you, Mr. President.

DR. SAUTER: Mr. President, the affidavit with which I am dealing now seems to have significance because it's author, Professor Strughold, was in absolute opposition to the National Socialist regime, as he says, furthermore, he studied in the United States of America for a number of years while he carried on his research work. I am going to skip the introduction of this affidavit in order to oblige the Prosecution. For the same reason I am not going to read figure I, where it is explained what scientific achievements the defendant Ruff has to show. I should only like to read one sentence in Figure I. Here it says:

"It is noteworthy that he, Dr. Ruff, carried out on himself all important extreme experiments and, particularly that he undertook himself dangerous undertakings in aeroplanes. In the same way, he also made altitude experiments on himself, although that was not primarily in his own special sphere."

This is all I am going to read of Figure I. These sentences are very important, because it has been said here in the court room that the most important thing of any research work is the experiments of the researcher on himself. I was not going to read the paragraph about the political attitude of Dr. Ruff in #2 and I am merely asking the Tribunal to take notice of it. It confirms with the explanation by other witnesses. On the other hand, I would like to read the paragraph 3 where it says the following about the personality of the defendant, as a researcher and practitioner, and I quote:

"Dr. Ruff was intent on creating a good scientific reputation for his Institute. There were no signs of an unhealthy ambition to be seen in him. He was unassuming, friendly, very ready to help, and took a great interest in the members of his Institute. He was moreover very self-sacrificing. He carried out all important and dangerous experiments on himself. In particular his numerous acceleration experiments are responsible for the fact that his health (circulation) suffered considerably, a fact which was demonstrated

in the past year by an oedema of the legs in the evenings, which persisted for weeks at a time. In summing up, I can say this: Dr. Ruff is a scientist of extraordinary experimental talent and ingenuity, who made outstanding contributions to the development of air travel, particularly in the sphere of high speed flying, and to research into the cause of accidents. To a great extent, he obtained these results, especially in the aircraft experiments which were not always completely under control, by carrying out the experiments on himself. In experiments on others, he would hardly have neglected, because of his own personal attitude, the precautions which medical conscience prescribed."

BY DR. SAUTER:

Q. Dr. Ruff, I am now going to continue and I will ask you the following: What was the main activity of your institute, of which you were the head. What experiments were carried out in your institute?

A. As I already said before the entire work of the institute developed, on the basis of the knowledge of the causes of air accidents. In the institute itself there were three main spheres of work, one was pure air accident science. This included air accident statistics from a medical point of view, and in the second sphere of work, the special questions of speed in air flight was worked upon, and in the third sphere of work there were questions of high altitude, the question of the prevention of accidents was in the foreground.

Q. The experiments which were carried out in the spring of 1942 at Dachau, were they something extraordinary, or did they fall within the every day practice of your institute? In that connection, could you perhaps give us a closer insight as to the extent of the experiments in your institute.

A. At first, I should like to answer your first question. The experiments which were carried out with my approval and my permission

by my collaborator Romberg at Dachau were absolutely within the framework of the experimental work such as was carried out in our own institute upon ourselves. To state the amount of all the series of experiments which we carried out in the course of these ten years would go much too far. Therefore, I should only like to give you a few examples from which one can see what the course of our work was. For instance, through accident reports we gained knowledge that during a certain period of time in sport aviation, glider aviation, a number of fatal accidents occurred, because the passengers in the planes, when landing on the ground, or rather crash landing on the ground, received serious injuries, for instance, the tearing of the liver and the spleen, stomach etc. Within a short period of time, amounting to perhaps six months or nine months, forty persons died. We had to explain how these accidents came about and how they could be prevented. In order to do that it was necessary to establish what strain the stomach could take from the stomach belt to which the flier is attached. We tried to imitate such strokes as they occurred during flight to the extent at which it became unbearable, that is until the belt was torn, and then we were in a position to state the means with the help of which such injuries could be avoided.

Owing to these experiments there was practically no accident of that kind in the subsequent period.

In another experimental series we had to clarify the question of how many dives a flier would be able to carry out from the medical point of view. We used an army diving plane where we carried out experiments amounting up to thirty dives a day. The pilot on these occasions was present, being the man in charge of the experiment, and the experimental subject, and another experimental subject was seated on the second seat. While the experimental subject who sat in the co-pilot's seat changed with someone else after a certain number of tests, the pilot, as the man in charge

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of the experiment, and experimental subject, carried out all tests.

All together we carried out 800 such dives in the course of three months and we only interrupted these experiments when we found signs of exhaustion of the heart and blood circulation of the pilot.

A. (Continued) A further experimental series was to determine the effect of vibrations and shakings on the occupants of a plane. These experiments were carried out partly in the plane and partly on certain shaking tables. In the case of these vibration experiments strong disturbances in the nervous system become apparent which are registered by certain methods. My assistant Wischoefer found his death during one such experimental flight. This was not because of medical reasons but because of a technical error in the flight. -- Then there was another experimental question concerning parachute jumping up to what speed the unprotected face of the pilot is not exposed to injury. These experiments were partly carried out in the plane by the experimental subject going out into the air after a certain speed was reached, exposing the face to the air current, and after that, by some means, the person was brought back into the plane. In cases of high speeds such experiments were carried out in a wind tunnel. During such experiments we went to 820 kilometers per hour speeds. And, in order to give you some idea of what that means, one can say that with over 800 kilometers there is a wind pressure of over 3000 kilograms per one square meter. In order to explain it a little better one may point out that a normal ceiling in an office building takes three hundred to three hundred fifty kilos per square meter. In the case of this speed of the wind, which corresponds to 3,000 kilograms per square meter, the air becomes very hard. Even the smallest bits of dust enter the skin as if they were projectiles, and the skin of the face becomes so worn and so affected that after the experiment several experimental persons had their faces covered with blood on the pores of the skin. -- Then experiments were carried out in order to ascertain what the shocks were that a person could stand after the parachute had unfolded. During these experiments the spine is very strongly strained. Also these experiments were carried out to the limits of what was necessary for practical flying. Furthermore experiments were

carried out in the question of what would happen if in the pressure cabin of a plane -- this is a cabin where the crew of a stratospheric flight plane are being housed. This has the pressure which corresponds to about 3000 meters and if this cabin suddenly should leak because of a gun shot or because of a window pane breaking, the people inside can experience an acceleration of altitude compared to 3 to perhaps 15 thousand meters within a period of time of 1/10 of a second. Since it was not at all clear whether the human organism could stand it, we, in the same way as other nations, carried out such experiments. -- A further question which will affect us later is the question of parachuting from high altitudes which was dealt with by us in self-experimentation. I should like to limit myself to these examples, and I should only like to read a number of these experiment series just by naming their titles: Experiments on the effects of certain laughing-gas concentrations, which is a narcotic gas; examination of the damage of ears by noise; examination of the resistance of the human spine against shocks as occur when planes are landing; examination of the physiological basis when building catapult seats; examination what affects resistance at high altitudes etc. The number of these experimental series could be increased as desired.

Q. Mr. President, I should like you to take notice of Document 19. It is to be found in Document Volume Ruff, Supplement No. 1. This document will receive Ruff Exhibit No. 5. This is a compilation of the publications of the defendant, in which he constantly reported to the public on the experiments which were carried through, and on their results. I ask you to take notice of that document. -- Dr. Ruff, we have already seen from your description that all these experiments were apparently carried out in the interest of aviation, is that correct, or were other experiments carried out?

A. No. All these experiments were in the interest of aviation, and as I said before they were mostly in the interest of the prevention of accidents or the diminution of damages in case of accidents.

Q. Do you think you can say that all of these experiments were actually necessary in the interest of the Aeronautics and personnel?

A. It is my opinion that this was so.

Q. During these experiments did there occur any fatal accidents which effected either experimental subjects or the people in charge of the experiment or any assistants. I am particularly referring to the high altitude experiments such as they were carried on at Dachau in the year of 1942?

A. In the entire German Aviation Medicine, although thousands and thousands of experiments were carried out, we only had two fatal cases. One occurred in the year of 1937 in the Himalayas where one aero medical scientist when carrying out medical experiments in the mountains received his death because of an ice avalanche. This was not due to his medical experiments. The second case of death which occurred in the entire Aviation Medicine in Germany, was the death of my assistant Wieschoofer.

Q. You have already mentioned, that, haven't you?

A. Yes, I mentioned that before. The death of this man also was not due to medical conditions but merely due to a technical error in the plane.

Q. Dr. Ruff, in the affidavits read which it is already repeatedly mentioned, you carried out all experiments first upon yourself, where you were putting yourself at disposal as an experimental subject. During those experiments which you performed upon yourself, did you experience any personal damage of health, etc?

A. When carrying out these many diving flights experiments,

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a condition of exhaustion of heart and circulation appeared which never quite left me. But it on the other hand is not particularly dangerous.

THE PRESIDENT: Counsel, at this time the Tribunal will be in recess until 9:30 Monday morning.

Official Transcript of the American Military
Tribunal in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nuernberg, Germany, on
28 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal I. Military Tribunal I
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants are
all present in court.

THE MARSHAL: May it please Your Honor, all defendants are present
in the court.

THE PRESIDENT: The Secretary General will note for the record the
presence of all defendants in court.

Counsel may proceed.

SIEGFRIED RUFF - Resumed

DIRECT EXAMINATION (Continued)

BY DR. FRITZ SAUTER (Counsel for the defendant Ruff):

Q. Dr. Ruff, I would like to remind you that you are still under
oath. Before the adjournment we discussed the experiments which you
generally performed in your institute and it would interest me now to
hear something from you as to what extent you were yourself an experi-
mental subject, and I am not only speaking about the Dachau experiments
but all the others.

A. The experiments in our institute were performed upon my colla-
borators and upon myself in the case of 90 percent of the experiments.
In the case of certain experiments which were not carried out for pur-
poses of research but in order to teach the crews which had to fly in
high altitude, soldiers were furnished to us by the Luftwaffe, and we
carried out high altitude experiments with them in order to show them
what effects high altitude has on human organisms. To a very slight ex-
tent we also used one or the other members of the experimental institute
for aviation for our experiments.

Q. All these were voluntary subjects, were they?

A. Yes, as far as this concerned experimental research they were voluntary people. However, the soldiers were detailed by the Wehrmacht for these lecture experiments.

Q. Do you know whether the detailing of soldiers of the Wehrmacht for those experiments was in any way something special or whether that is also the case with other nations who carried out aviation research?

A. This is customary with all air forces because it has shown itself that it is necessary to make the crews acquainted with how high altitude would affect them.

Q. Dr. Ruff, could you estimate approximately what the amount of all the experiments was which you carried out during those years at your institute?

A. We never counted them, but a superficial estimation of that amount would show that it is somewhere between nine to twelve thousand.

Q. In that case the amount of experiments carried out at Dachau was only very small in comparison?

A. Yes.

Q. Did you gain any personal advantages because of your numerous experiments upon your own persons?

A. No, on the contrary my collaborators as well as I had to pay our own life insurance.

Q. Did you have any disadvantages because of these experiments on yourself? I am thinking in particular about disadvantages of health.

A. I already said Friday that we had no very serious incidents in the course of these experiments, and that in effect any lasting damages to health did not occur.

DR. FRITZ SAUTER: Mr. President, in this connection I should like to ask you to accept an affidavit which mainly deals with the general aspect of these experiments. This is Document No-8 to be found in Document Book Ruff on pages 27 to 30. This document originates from a physician, Dr. Doeckle, who from the year of 1937 on was a member of that

institute and personally participated in numerous experiments. He confirms mainly that all the experiments carried out by Dr. Ruff were at first performed by him as experiments upon himself, that is, Dr. Ruff, and that his assistants in the institute were acting as voluntary experimental subjects.

I ask you to take notice of this document, and I should only like to read a few excerpts of a very important nature on page 2. I shall read the paragraph before the last. Here the witness says from his own experience, and I quote:

"The danger of the different experimental conditions could never be settled ahead. We therefore always proceeded with the greatest possible care and took all imaginable precautions. The demands were only increased gradually. We worked exclusively on voluntary experimental subjects; I never heard of a single case when anyone was induced to undergo certain experiments or was forced in any way. Some employees of the institute, who had an aversion towards certain experiments, did not, of course, have to take part in them. I cannot remember any incidents worth mentioning. Minor complaints, such as headaches, over-tiredness, and similar complaints were observed occasionally. Of course, the *Primum Nil Nocere* was the motto for all work. There never was even the slightest suspicion that any unscrupulous experiments were carried out or any atrocities committed."

I shall skip the next paragraph and I shall now read the last paragraph. It says:

"Dr. Ruff showed the same courage and devotion to duty, in research duties, which he was working on himself; he was always the first to undergo the dangers which, at the beginning, could never be calculated, and he always cooperated also as an experimental subject in the experiments of others. As head of the institute, Dr. Ruff always showed an exemplary, liberal attitude. In that period of intolerance and force, of spiritual rape and suppression of individuality, he always appeared to me to be an estimable representative of true humanity."

The witness furthermore describes the liberal attitude of Dr. Ruff.
He says at the end:

"I cannot believe that Mr. Ruff ever took part in any unscrupulous experiments and I am convinced that if ever at that time he came across atrocities, even in the research, he would have opposed them with all his might. Furthermore, I never heard that Dr. Ruff worked on other than voluntary experimental subjects; I consider this out of the question in view of his whole attitude."

This is an affidavit and I should like you to take notice of its entire contents. It was certified in the customary manner.

There is another affidavit with similar meaning by a certain Franz Scheiber.

THE PRESIDENT: What number did you assign to this exhibit?

DR. SAUTER: The exhibit which I have just submitted, or rather the document which I have just read, Document No. 8, will receive the exhibit number 6, Ruff No. 6.

Regarding the general aspect of the experiments, the physician Dr. Scheiber makes a general statement. This affidavit you will find in document Ruff under No. 1, Exhibit No. 7. I ask you to take notice of this affidavit in its entirety. I shall only read a few paragraphs on pages 2 and 3. This Doctor Scheiber, from whom this affidavit originates, is a physician who ever since 1936, that is, for a period of eight years, had collaborated with Dr. Ruff, and had had occasion to make his very close acquaintance. In his affidavit he at first describes the entire attitude and professional conception of Professor Ruff, and then he says on page 2 at the bottom: "These demands made on the experimental persons were unpleasant to bear individually, but all --"

I don't think the interpreters have these document books, Your Honors.

INTERPRETER: The interpreters have the document book.

THE PRESIDENT: The translation did not come through^{at}/first, doctor.

DR. SAUTER: I shall start once more on page 2 at the bottom of the page and I quote:

"These demands were disagreeable, but out of all the experiments known to me, not one person undergoing an experiment suffered any kind of bodily injury. I would certainly have noticed such cases because I could follow these experiments from a medical point of view, and also I was well informed of everything that went on in the Medical Section of the Experimental Institute for Aviation."

THE PRESIDENT: From what part of the exhibit are you reading?

DR. SAUTER: Document No. 1, page 2, the bottom of page. I think it is the last paragraph. I think you will find it also in the English

document book. It starts:

"In none of the cases described was any person forced to undergo such experiments. All the experimental subjects I knew came from among the German clerks and assistants of the medical institute of the German Experimental Institute for Aviation, and they were all volunteers. I repeatedly became clearly conscious of Dr. Ruff's acute feeling of medical responsibility towards the experimental subjects and of the almost exaggerated caution with which he conducted these experiments in order to avoid injury to health in every case.

"Dr. Ruff considered the healthy well-being of the experimental subjects entrusted to him as the supreme medical law and he would rather have abstained from the desired highest scientific knowledge than run any risks regarding the health of these persons."

This is the end of the quotation. The witness goes on to describe Dr. Ruff's action in individual cases and I should only like to quote a sentence at the end of page 4, the next to last paragraph. Here the witness says:

"The frequent experiments Dr. Ruff underwent in the course of years, however, led to an irreparable heart injury which I and others who had known him when he was in perfect health and had observed him constantly could not fail to notice. This heart defect caused us frequently to ask him to take more care of himself, but we could not influence his actions at all. I was never of the impression that an unsatiable urge for knowledge or personal ambition made him pursue the experiments to the utmost limit of scientific possibility. Cruelty or force towards an experimental subject are to my mind quite inconceivable when passing judgment on Dr. Ruff's character."

End quote. The affidavit is certified in the customary manner.
I have one last question regarding animal experiments.

MR. HARRY: Your Honors, it seems to me that-- First of all, I can't understand what the defense counsel is attempting to do here and I request the Tribunal to ask him, regarding all of the experimental work

which the defendant Ruff has worked on since he graduated from medical school. It would seem to me that the experiments he conducted at his institute are not in issue here and the methods by which he conducted them are not at issue here. It would be comparable to a situation where a man who has been driving the automobile for several years finally drives the automobile criminally, and we would have to discuss every trip he took for ten years. I think all of this is immaterial, Your Honors. I don't see why we have to go any further unless counsel has some definite reason.

THE PRESIDENT: Counsel, what is the reason, what is the materiality of the probative value which these affidavits carry with the charges upon which the defendant is on trial?

DR. SAUTER: According to my opinion as to what the Tribunal deems of importance, I think it is of importance that one learn that a defendant who is accused, how he was carrying out his professional activities. It is impossible to gain a clear and reliable picture about his character and his entire activities if you merely confine yourself to the one or the two visits which he paid to Dachau. Nothing at all can be seen from that. The possibility must be given to the defendant to prove in the course of many years he was active as a researcher and as a scholar and was particularly following in these matters a conscience.

I shall come back to these matters in my final plea because this is not the time to argue in detail. Furthermore, Mr. President, I had intended anyhow, as I already stated, to put only one more question regarding these general aspects of Dr. Ruff's experiments, which can be finished with one sentence. I intended to ask him---

THE PRESIDENT: Counsel may propound the question to the witness.
BY DR. SAUTER:

Q. Witness, one last question regarding these general problems. Why did you apply the possibility of the experiments on animals to such a small degree, and what is the situation of animal experiments in that special field of aviation research?

A. In the entire aviation medicine and that not only in Germany but in all other nations, the use of animals in experiments is very slight, and if one would estimate it one would arrive at the figures of 30 to 35 percent. Furthermore, these experiments have to be performed on human beings because otherwise many questions could not be clarified in any other way. In flying I mentioned a series of experiments during which it was to be ascertained what the stomach can stand in the case of crash landings. Such experiments cannot be performed on animals since the bodily construction of animals is completely different than that of human beings.

Q. Dr. Ruff, I should like now to pass to the charge which is raised against you in this trial which concerns your participation in high altitude experiments in Dachau. This is the only count under which you are indicted in the indictment. Those experiments as they were performed in the Spring of 1942 in the low pressure chambers at Dachau - were they earlier performed in your Berlin institute?

A. Experiments regarding parachute descent from high altitudes were carried out before and after the Dachau experiments at our institute in Berlin.

Q. Would you briefly describe to us what the actual aim of such high altitude experiments with a low pressure chamber is?

A. Quite generally one could summarize that in one sentence. The sense of those experiments with a low pressure chamber is to find out the influence of high altitude on the human or animal organism.

Q. Were such high altitude experiments with a low pressure chamber a specialty of the German Air Force or were they also known abroad?

A. The low pressure chamber belongs to the experimental equipment of every aviation institute. It is known since the end of the last century and it is everywhere applied in the case of such experiments.

Q. Would you perhaps describe to us briefly how such a low pressure chamber is furnished and upon what basic principles the experiments with it rest?

A. The low pressure chamber is a space from which air can be drawn with the help of pumps. Through this drawing out of air the air pressure in the chamber is being decreased in accordance with the conditions as they arise when an airplane ascends to high altitudes. This speed of the ascent, that is to say the speed of the decrease of pressure, can be regulated by ventiles. In the case of our experiment in addition to this actual low pressure chamber we had a second very small low pressure chamber for experiments with sudden drop in pressure. These experiments are carried out in order to perform very speedy ascents into high altitudes. High altitude ascents as they occur in airplanes with so-called pressure cabins. If such a plane is flying, say, at 1500 meters altitude and the pressure cabin is damaged, the passengers in that pressure cabin go through an altitude ascent within one second amounting to 3 to 5 thousand meters. The descent with low pressure chamber is effected

by letting in air from the outside into the chamber through a ventilo. Then the pressure in the chamber is increased - and that would be in accordance with the condition which prevails when an airplane descends from high altitudes.

Q. Dr. Ruff, in the course of this trial we repeatedly heard that in the case of these experiments so-called altitude sickness occurred. I should now like you to explain to us what altitude sickness actually means and in what way your experiments took altitude sickness into consideration and exploited it?

A. Under altitude sickness one understands the damages to the health of a human being by reason of lack of oxygen. And, that is also true in the case of animals. The expression altitude sickness is often misunderstood. In the case of altitude sickness we are not really concerned with a sickness but this is a deficiency of the body the same as thirst or hunger. In the case of thirst there is a deficiency of water. In the case of hunger there is a lack of nourishment or food. And, in the case of altitude sickness there is lack of oxygen. It would be best to explain altitude sickness by briefly observing what happens to a human being when he ascends into altitudes without a supply of oxygen. Let us assume a speed of ascent of one minute per thousand meters. If such a human being is observed either in the plane or in the low pressure chamber one finds in the first four minutes, that is up to 4000 meters, that no change has occurred in his body. The body is in a position to adjust because of certain compensatory provisions in his body for the lack of oxygen. From 4000 meters upwards certain deficiencies occur which can at first be found in the central nervous system. This occurs in the following manner: His senses and his power of observation are decreased. For instance, a lamp which may be burning in that space appears less bright to the experimental subject than before. Very high sounds are no longer heard. As soon as altitude increases his power of thinking and his memory are decreasing. His attention,

his power of concentration, and his power to carry out criticism decreases as soon as altitude increases. His emotional life, too, undergoes a strong change. In few cases we have a depression but in most cases we have an euphoria which is the opposite of a depression - an elated emotion. For that reason because of the change of his emotions one often compares the effect of high altitude with the effect of alcoholism. In aviation medicine one often speaks of the altitude drunkenness and in the same way as alcohol reacts differently on different people so does lack of oxygen react differently. One experimental subject becomes particularly active and overjoyed. The other one becomes tired and sleepy. This entire condition develops gradually as the altitude increases and becomes progressively more severe. In altitude of 7500 to 8000 meters this condition goes over into complete unconsciousness. This condition in high altitude was already described at the end of the last century by the Frenchman Dissanthier and he used the following condition: "In the case of altitudes of 7500 meters the rigid condition which a person has to undergo is surprising. Body and mind become weaker and weaker and that gradually and hardly recognizable. One experiences no pain - on the contrary one feels an inner joy. One no longer thinks of the dangerous condition. One ascends and one is glad of the ascent." Because high altitude sickness brings about no unpleasant symptoms, such as for example, lack of breath, it is particularly dangerous for aviation, which are here to warn the flyer that altitude sickness is beginning and that means that he is not warned of danger.

I was just saying that in altitudes of 7500 to 8000 meters, unconsciousness appears. Shortly before unconsciousness comes about, one finds that there slight and painless twitches in one's hand. Then a person's consciousness disappears entirely. If one then continues to ascend with the plane, or the low pressure chamber, one finds changes in the breathing of this unconscious person. Breathing becomes irregular. One finds that there are a few breathing movements following quickly upon one another, then a lengthy pause, then again a few quick movements, and this is how it goes on. Simultaneously with this severe change of breathing, cramps occur in the condition of this unconscious person. Because of these cramps, one sees a picture which can be compared with a person who is suffering from an epileptic attack or it may correspond to cramps as they are artificially caused for therapeutic reasons, that is, for treatment, with the aid of insulin, or cardiazol, or electrical current. In the case of all these conditions of cramp - high altitude cramps, epileptic cramps, or therapeutic cramps - the person concerned does not notice anything. He has lost his consciousness.

I was just saying that in an altitude of approximately 4,000 meters one can see the first symptoms. For that reason, it is a regulation in all states who carry on aviation that, starting from that altitude, the passengers of airplanes would have to be supplied artificially with oxygen. For that purpose, the airplanes carry oxygen equipment. They have bottles of oxygen, and this oxygen is introduced into the passengers of the plane through the medium of breathing masks.

When one designates the altitude which a human being can reach without oxygen equipment as his summit, one arrives at the altitude of 4,000 meters. In that case, it is presupposed that the summit altitude is considered the point where no symptoms at all will occur yet. When breathing pure oxygen, the summit altitude is increased to 12,000 or 13,000 meters. That is to say, if the human being is inhaling pure oxygen, he can ascend to 12,000 or 13,000 meters altitude without any symptoms of illness. If going beyond that altitude, there develops, as the altitude increases,

the same picture as one can see starting from 4,000 meters without the aid of oxygen. This picture develops in the same sequence and in the same manner.

In aviation one seldom sees that altitude sickness occurs in the case of an ascent. The altitude sickness usually begins when, for some reason, the supply of oxygen is interrupted. If that case occurs in any altitude, starting from 6,000 meters, the altitude sickness will occur after a certain period of time. This period of time which elapses from the point of interruption up to the beginning of the altitude sickness is designated in aviation medicine as "time reserve". This is the period of time which is still available to the person concerned in order to do something on his own initiative to defend himself against the beginning of altitude sickness. This so-called "time reserve" changes as altitude increases. The higher up this incident occurs, the shorter becomes the "time reserve". In the case of an altitude of 8,000 meters, we have approximately four minutes' "time reserve". In the case of 12,000 meters altitude, we have forty to fifty seconds, and in the case of 20,000 meters, approximately ten seconds.

If the plane descends after having experienced altitude sickness, cramps and breathing difficulties -- these symptoms disappear in the reverse sequence they began. At first, the cramps disappear, breathing becomes more regular, then the person comes slowly back to consciousness, and the experimental subject finally is again able to act. The experimental subject is again capable to act in an altitude which can be compared with the altitude where air sickness started when the plane ascended. If, during an ascent, there was unconsciousness at 7,000 meters altitude, and then the person was brought up to 12,000 meters altitude in this unconscious condition, his awakening will approximately take place at 8,000 meters altitude during the descent. The inner procedures -- that is, what happens within the body of the human being during such ascents and descents -- is not quite known. It is important that after the awakening from altitude sickness almost immediately there is a full

ability to act. No complaints of any sort exist, and exceptions from this rule are only those cases where the lack of oxygen has lasted for a considerable length of time. And the awakening is similar to the awakening from an anesthetic. That is, it takes from one to two hours. But, contrary to any awakening from anesthetics, this awakening has generally no complaints for the person and has no after effects.

A further fact which may be of some importance is that, during the time of altitude sickness, the person concerned does not remember what happened. Experimental subjects often cannot state whether an experiment was carried out on them or not. They state that they had a very light feeling of warmth, but that otherwise nothing much had happened.

Q. Dr. Ruff, these difficult technical questions you may have to supplement in one regard. How is it possible, in the airplane or in the low pressure chamber, to ascend to an altitude of 20,000 meters if, on the other hand, you say that in an altitude of, I think, 14,000 meters, in spite of the introduction of oxygen, unconsciousness occurs? This question does not seem to be clear to me. Perhaps you could clarify it for us laymen.

A. In the airplane, the ascent to heights of over 14,000 meters is possible only if the airplane is equipped with the so-called pressure cabin. In these pressure cabins one takes a so-called "private climate" along with him for the benefit of the passengers. This is a climate as one experiences it in an altitude of 3,000 meters. Only in this manner is it possible to fly higher than 14,000 meters for any length of time.

In the low-pressure chamber we can ascend to such heights by increasing from 12,000 or 13,000 meters to 20,000 meters within a very short time, but that can only be done in the low-pressure chamber. The period of time has to be short enough to fall within the time reserve, of which I was speaking earlier. That is, in the case of 20,000 meters, it has to be within ten seconds.

Q. Dr. Ruff, did you often perform these experiments which you just described to us--including altitude sickness, etc--upon yourself? And I want to ask you: Can you tell us from your own experience that these altitude sicknesses, this unconsciousness, these cramps, which occur--are without any pain for the experimental subject, and do not bring along with them any disadvantageous after-effects?

A. All these matters which I have described by me as a result of personal experience on my own body.

Q. Thank you, Dr. Ruff. Then Doctor, I should like to pass to the experiments at Dachau which were carried out in the spring of 1942. Then, for the first time, was the thought entertained to carry

out experiments in concentration camps? I ask you to take into consideration that all the witnesses who have testified up to this moment have said under oath that as a rule such experiments were not performed with inmates, especially not in a concentration camp.

A. In December 1941, Prof. Woltz visited me at my institute. We discussed a few questions of an aviation-medical nature in which both of us were interested, and on this occasion also discussed the problem of saving people from high altitudes. Prof. Woltz had received a report about experiments which we had performed in regard to that subject. The report comprised experiments for the purpose of saving people from high-altitudes, up to altitudes of 12,000 meters. We spoke about the continuation of these experiments which we planned--a second part of these experiments--and on that occasion Prof. Woltz suggested to me to carry out this second part of the experiment on inmates at Dachau.

One of his assistants, a certain Dr. Rascher, had received Hamler's approval to perform high altitude experiments at Dachau; so that it would be quite possible to perform these experiments at Dachau.

Q. Dr. Huff, you said the beginning of your negotiations about Dachau started in the year 1941. That was December 1941. I should like to remind you that in the Prosecution Document Book No. II a letter was submitted which at that time was sent by Dr. Rascher on around the fifteenth of May 1941 to the Reichsfuehrer-SS. This is Document 1602-PS, Exhibit of the Prosecution 44. In this letter, which originates from May 1941, Rascher writes, and I quote:

"The experiments are performed at the experimental station for high-altitude research, and cannot be carried out on monkeys, as was the case up to this period of time, since there are entirely different situations in the case of the monkey." Dr. Rascher continues:

"I discussed these matters confidentially with the representative

of the Air Fleet Physician who is carrying out these experiments, and he is also of the opinion that the problems in question can only be carried out by performing experiments on human beings."

Dr. Rascher, in parentheses, adds: "As experimental material, feeble-minded people could also be used."

Now, I am asking you, Dr. Ruff, when in December 1941 you were at first concerned with the performance of experiments in a concentration camp, had you then known of the proceeding negotiations between Dr. Rascher and Reichsfuehrer-SS? And, in particular, had you not known of that letter which I just mentioned, dated the fifteenth of May 1941? Weren't you participating in those negotiations, Doctor?

1. This letter, itself, and its contents, I learned for the first time here upon looking at this document book. During my conversation with Woltz in December 1941, he told me, however, that already a few months earlier a conference had taken place between Rascher and the then Medical Inspector, Hippke; and that Hippke had already agreed to these experiments in principle. From this remark, I could have, of course, deduced that there had been some negotiations pending during the preceding months, but I knew no details about them.

2. Witness, in the letter which I just mentioned, dated the fifteenth of May, 1941, Rascher writes to Himmler; and there is the following sentence there, and I quote: "The experimental subjects could also die."

Now, on the other hand, you are telling us--and that also becomes apparent from the affidavits of various witnesses--that the experiments which you were carrying out entailed no danger to life.

Now, Dr. Ruff, can you tell us how this apparent contradiction can be clarified; or can you perhaps tell us what experiments were meant by Dr. Rascher in his letter of the fifteenth of May, 1941, when he took into consideration the possibility of the death of experimental

subjects?

A. I didn't know at that time what experiments Rascher was intending, and I had had no knowledge of that letter. For that reason I cannot say today what experiments Rascher was referring to on the basis of that letter.

Q. In that case, you still don't know that today?

A. No.

Q. During those negotiations which you carried on with Prof. Woltz and later with Dr. Rascher, did Rascher make the suggestion to you that feeble-minded people were also to be used for these experiments--the same suggestion which is contained in the letter of the fifteenth of May, 1941? What would your attitude have been? Or what was your attitude to any such suggestion?

A. Rascher never made this suggestion to use feeble-minded people for these experiments; and, seen from an experimental point of view, it would have been entirely impossible for us to use feeble-minded persons for these experiments.

Q. Why?

A. During these experiments we needed the cooperation of the experimental subjects. During the experiment, the experimental subject had to carry out reasonable reactions, and these are matters for which feeble-minded people could not be used.

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Q. Dr. Ruff, Mrs. Rascher has stated in a letter, which was already submitted here, addressed to the Reichsfuehrer SS, dated 24 February 1942, contained in a Document of the Prosecution, page 59, Document No. 263, Exhibit 47, that Dr. Hippke and Dr. Woltz were delaying the beginning of the experiments continuously, although Hippke and Woltz knew the importance of the experiments. Frau Dr. Rascher continues: " In December of 1941, Dr. Woltz got in touch with the chairman of the Aerial research institute at Berlin - Adlershof and asked whether the chief, Drs. Ruff and Romberg could make the experiments with Dr. Rascher. These two persons immediately agreed and delivered the low pressure chamber and came here. There was a conference between Rascher, Romberg and Ruff at Dachau." Are these statements correct, and I am referring particularly to the time where Frau Dr. Rascher says the first conference took place in December 1941?

A No, some of the details are incorrect in that letter; however, these details are of no special importance. For instance, I was never the chief of the German Institute for Aviation, but Frau Rascher possibly did not know these things. It is correct that in December of 1941 the conference just mentioned between Professor Woltz and I took place, and in the course of this conference Professor Woltz made the suggestion to me to carry out the second part of our experiments for the purpose of saving people from high altitude in Dachau.

Q Where were these conferences with Professor Woltz held?

A At my institute in Berlin.

Q Did Professor Woltz come to you in Berlin for the particular purpose of getting your cooperation concerning these experiments with you that were to be carried out in Dachau; or why was it Professor Woltz came to you?

A No, Professor Woltz visited me once or twice a year. We usually discussed scientific problems, and within the frame-work of these conversations touched upon the question of saving people from high altitude. On this occasion Professor Woltz made this suggestion to me.

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Q. You say that the first suggestion for the execution of experiments in concentration camps was made by Professor Dr. Woltz; at any rate you were approached with it by him, and at that time you had known him for some time?

A. Yes.

Q. What impression did Woltz' personality make on you at that time?

A. I had known Professor for many years. As far as I know, he was at that time an Oberstabartz of the Luftwaffe, and he was also the head of the testing station for the effects of high altitude or the Aviation Medical Institute at Munich, both of us belonged to the Luftwaffe. As a scientist, Professor Woltz enjoyed the highest reputation within Aviation Medical and also within the x-ray research work. His own scientific work, as well as the work published by his institute, were always considered to be reliable. He had had considerable practice in x-ray, which showed to what extent he was regarded by his patients and his colleagues. The relationship of our institutes toward one another was a friendly one, and I already mentioned that he came to visit me once or twice a year. On the other hand, whenever I had an opportunity to do so, I visited him at his institute in Munich. Therefore, I was certain on the basis of my acquaintance and knowing Woltz, that he did not suggest anything to me at that time where he himself had any legal or ethical misgivings.

Q. Dr. Ruff, when Professor Woltz made the suggestion with you, or did you ask him, what kind of experimental subjects were to be used; of course it was natural that they were inmates, but what other qual-

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ifications did they have to have and what did you discuss in that regard with Professor Weltz?

A Naturally, we discussed that point, which was possibly the most important point during our conversation after his initial suggestion. Professor Weltz told me that we were concerned with professional criminals in the case of these experimental subjects who could volunteer for these experiments.

Q Did you agree to that suggestion immediately, or did you voice any misgivings?

A I told Professor Weltz that I would have to take this matter under consideration, that I would further discuss it with Dr. Romberg, who was in charge of the experiments for the purpose of saving people from high altitude, and that in particular, I would have to discuss this matter with the Medical Inspector Hippke.

Q What further action did you take in that matter?

A After Professor Weltz' departure, either on the very same day or the next day, I discussed this with my collaborator, Dr. Romberg; and when he also agreed to carry out these experiments, under the conditions as stated by Weltz, I visited the Medical Inspector Hippke and asked him whether it was true that he had already agreed to these experiments in Dachau in principle. This he affirmed, and I received permission from him to carry out these experiments on the inmates in Dachau and to use a mobile low pressure chamber for that purpose, which belonged to the Medical Inspectorate, but which at that time was with us at the experimental institute.

Q Professor Hippke, who after all was your highest

A Professor Hippke told me on the occasion of this conversation that we were here concerned with professional criminals, who were in a position to volunteer for those experiments and who after the experiments were to be rewarded in some form by either sentence or complete pardon.

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A. In that connection I have to speak at some great length. In the spring of 1941 we investigated low pressure chambers and demonstrated them to the crews on the Western Front. During such experiments Rosenberg and I participated. We used that opportunity of informing ourselves at individual fighter units whether they had experienced any medical difficulties. All of the units complained that the pilots were not clear as to how they would have to act in the case of parachute descents from high altitudes. In the German air force there was at that time no oxygen apparatus available for the case of parachute descent. The crew feared that after their parachutes had unfolded and they were descending, that when landing on the earth or in the water, they would still suffer altitude injuries or would drown. We couldn't help them on that question since we had no experimental basis for any information.

After our return we reported to the medical inspectorate about that question, and we received the order to carry out experiments for the purpose of saving persons from high altitudes. The technical progress of high altitude flying had reached the following stage: Fighter planes in large numbers were flying at the front which were reaching ten thousand to 11 thousand kilometer altitudes. The fighter planes of our enemies, however, could reach higher altitudes. For that reason it was worked with haste in all research institutes and all motor factories to find a way to increase the high altitude performance of the motors. Apart from these normal planes which were already flying at the front, we had a rocket fighter plane which was still in its testing stage. This was the Messerschmidt 163. With that plane it was possible to reach ten to twelve thousand meters within a space of two minutes. The summit altitude of that plane depended only upon the fuel which the plane was carrying. For jet propulsion is completely independent of height. Furthermore, larger motors were being constructed and larger planes were being built which could reach altitudes of at first 16 thousand meters. On the basis of this stage of technical development, there was the energetic demand to clarify the question of how human beings could be saved from high altitudes up to

20,000 meters. The technical development had gone beyond the results obtained in aviation medicine; and as I said before, we had no medical basis at all to effect any saving from high altitude. In accordance with the urgency of the problem, this task for the saving from high altitudes was divided into many stages. At first, the question of saving from high altitude up to 12 kilometers was clarified; and this was considered to be the most urgent question, since we already had a number of planes already in action which would achieve that height. The experiments for that purpose were carried out at our institute. The second point which was to be clarified was to ascertain whether escaping from 20,000 meters height, with or without oxygen, is possible. As a subdivision to this question we had to clarify whether a very sharp decrease in pressure in a short time can be tolerated by human beings. For instance, jumping the pressure from 12 to 20,000 meters. This question was dealt with by us after the experiments of 12,000 meters, and we experimented upon ourselves. This problem was simultaneously worked upon by a number of other institutes. The actual bailing out experiments from 20,000 meters height were clarified at Dachau. Subsequently the influence of cold had to be cleared up in these heights. There are temperatures as low as minus 50 to 60 degrees. These experiments were also worked upon at our institutes while experimenting upon ourselves. Throughout these questions we were concerned with urgent, practically important question for aviation. After these experiments the technicians were to be told what special safe-guarding equipment was to be constructed in order to save people from the respective altitudes, and these experiments were to provide a basis in order to give directives to the crews as to how to act during the parachute descent from various altitudes.

DR. SAUTER: I believe, Mr. President, you could recess here, because the defendant is embarking upon a new paragraph.

THE PRESIDENT: Very Well, the Tribunal will be in recess.

(A short recess was taken)

THE MARSHAL: Persons in the court room will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: Witness may proceed.

WITNESS: Before the recess I was just describing what reasons led to the experiments about escaping from high altitude. In order to be able to answer all the questions resulting from this problem efficiently, the results would, of course, have to be sufficiently guaranteed. There could not be any question of coincidence or accidental result since, otherwise, the technical developments for the apparatus would be put into false channels. Accidental results would result in directives for the aviators which might be false, and they might lead to accidents, even to fatal accidents. In order to safeguard such results of experiments adequately, it is necessary to carry out experiments on a large enough number of experimental subjects or to repeat the experiments on a smaller number of persons so often that accidental results are eliminated in the results. At our institute, when Weltz suggested to me that the experiments should be carried out in Dachau, there were only five or six experimental subjects available in the persons of my associates and myself, but since several other series of experiments were going on at the same time, these experimental subjects were involved in two or three experiments at the same time in part and were at the limit of their capacities. Moreover, we had just carried out a series of experiments with sudden drop in pressure, and these numerous increases of altitude had made some of us adapt to these heights because, if one carries out numerous ascends in altitude, the body gets used to the altitude. It becomes more resistant to altitude and, of course, such persons can no longer be considered normal subjects. For us in the institute it would, therefore, have been possible only to carry out the experiments through the course of many months; but the task was very urgent. For this reason, I agreed with Professor Weltz' suggestion to carry out the second part of the experiments in Dachau.

BY DR. SAUTER:

Q Witness, I understand that a larger number of experimental subjects were needed for these experiments, but would it not have been easier, perhaps, to take medical students, or soldiers, or other volunteers, who might have been hired for pay?

A Before the experiments we had repeatedly attempted to get medical students, for example, for experiments. That had not proved itself at all, specially when the experiments lasted for a considerable time. The medical students, in general, could not devote enough time to these experiments and, after two, three or four experiments, they suddenly stopped coming, or some governmental regulation suddenly called them away to other quite different things - to work on the harvest, or to carry out large collections, or something like that. To get soldiers for the experiments was perhaps theoretically possible. In practice, however, it was said: "We do not have enough soldiers to give you experimental subjects for your experiments. The soldiers have other things to do. We cannot let them go for two or three months." To hire volunteers was impossible because in the time of 1942, there was no one in Germany in the age group any more which we needed and in the physical constitution which we needed. All these people were either in the army, or were working at something which, of course, made it impossible for them to be available to us for any length of time.

Q Now, before I go over to your discussion with Dr. Rascher, I should like to ask the Tribunal to take notice of a document which is in the Document Book Ruff, Supplement 2, Document #20. It will be Exhibit #8. Exhibit #8, Document #20, Supplemental Book 2. This is an affidavit of a Dr. Ing. Rolf Schroedter. This witness was an engineer by profession. From the summer of 1940 on he was a technical officer in the Luftwaffe. That is, during the period of the Dachau high altitude experiments. He had to test the planes and investigate accidents. He is, therefore, a special expert who can evaluate the necessity of the experiments undertaken by Ruff. In the first part of his affidavit, which I shall not read, the witness first describes his own work and the reasons for his

being an expert. On page 2, in the second paragraph, I should like to read some passages:

"From the activity as a technical officer, I can give the following facts from my own knowledge about the stage reached in high altitude flying:

"During the campaign in France in 1940, the altitude requirements of the aircraft were still comparatively low. In the fall of 1940, however, they grew by leaps and bounds. The formations attempted to outclimb each other to obtain a better attacking position. The altitude possibilities of the planes were fully utilized, and flights were often made to an altitude of 10 to 11 kilometers. New types of aircraft, with higher altitude ranges, were demanded. At this time, most pilots had very little knowledge and experience concerning correct conduct in high altitudes, and accidents were caused by the slightest carelessness or defect. It was of considerable importance that, through a clarification of the problems involved in parachuting from heights of up to 12 kilometers, the men at the front were able to receive essential instructions about conduct while parachuting from aircraft. It could be seen, even at that time, that an increase in speed and altitude would be technically possible in the near future. The Chief of the Messerschmidt-Development Office, at that time, incidental to a tour of the front in Spring 1941, promised only a gradual improvement of the Me 109 (that is, Messerschmidt 109), but he already talked about a great leap in progress in new types.

In the years 1941-'42 the fighter aircraft No (Messerschmidt) 163 was tried out in action. It was a small single seater rocket plane using liquid fuels which gave a quite extraordinary performance although later, after a long period of development, it gained no great importance in action. The rocket engine was independent of the oxygen from the air and thus altitude had no significance in its performance. The maximum altitude which could be reached had practically no limit except the pilot's ability to endure high altitudes. The climbing speed reached with 170 meters per second, nearly ten times the performance of any other existing aircraft. Altitudes of twelve to fourteen kilometers were reached in less than three minutes climb and in some instances greater altitudes up to 15.5 kilometers were reached if the pilot cut out the engine a few seconds too late. In new aircraft models the demands of high altitude flying were met by installing pressure-cabins. Plans of this kind were made by all firms engaged in the development of new models, especially Junkers, Messerschel, Arado, Blohm & Voss. Some series of the fighter types No 109 which were in action were also equipped with pressure-cabins.

The use of pressure-cabins in action depended on the stage of development of the high altitude engines. The maximum pressure altitude of the engines, that is, the altitude at which the engine still developed its full performance, was continuously increased. For instance, the maximum pressure altitude of the DB 605 was 6 kilometers; that of the DB 605 A3 was 8.5 kilometers; that of the Junk 213 B was 9 to 11 kilometers. These performances were reached by means of improved superchargers later with several stages and gear boxes with two to three gears. Furthermore, exhaust turbine drives for the same purpose were developed by Heinkel, Junkers, and BMW with a maximum pressure altitude of 11 to 14 kilometers. The German Research Institute for Air Transport in Adlershof was developing an engine for an

altitude of 16 kilometers. Since the highest altitude a plane can reach is actually some kilometers above the engine's maximum pressure altitude, altitudes of approximately 20 kilometers could be expected in the comparatively near future.

"It was always of the greatest importance in aviation to know how to rescue the crew from any given altitude. If altitudes of approximately 11 to 12 kilometers are exceeded, the danger for the crew increases tremendously and with it the importance of corresponding safety and rescue devices. In 1941 the accelerated development of high altitude flying surpassed without doubt the findings of aviation medicine, while normally aviation medicine should be far ahead of technique, so that the planning and construction of new types of aircraft can be based upon this medical knowledge."

This affidavit in essence confirms what the defendant has already said and is sworn to before the competent authorities. I ask you to take judicial notice of the entire contents.

BY DR. SAMPSON:

Q. Now, Dr. Ruff, I come now to your talks with Dr. Rascher, after you had decided in principle to carry out experiments in Dachau, there was a conference between you, Woltz, and Rascher, in Munich. What was discussed, and what was agreed upon on this occasion?

A. Dr. Rouborg and I went to Munich to see Prof. Woltz. He was not at his institute; and on this occasion Dr. Rascher was also present. He was introduced to us. We discussed the experiments which we intended to carry out in Dachau. Rascher on this occasion showed us a letter from Himmler, which showed that he was authorized to perform high altitude experiments in Dachau, and that for this purpose criminals would be made available, and that they would be given an opportunity to volunteer. Following these experiments they were to be given some lightening of their punishment in some form.

Q. This was the first time you saw Rascher?

A. Yes, this was the first time I saw Rascher. He was introduced

to us, both to Rosenberg and to myself. Rosenberg did not know him then either.

Q. He was a Stabsarzt in the Luftwaffe?

A. He was an Oberarzt, or a Stabsarzt in the Luftwaffe.

Q. What impression did Dr. Rascher make on you?

A. He was at that time an Oberarzt or a Stabsarzt in the Luftwaffe. He had an assured but obliging and correct appearance. During the conversation with him at this discussion and on the following, he showed a good degree of knowledge in all medical fields. He told us about his work for early diagnosis of cancer. He also told of the procedure which he had developed for selection and testing of range finders for anti-aircraft artillery. He said that he had received the War Merit Cross, Second Class, for this work. He told about his surgical training, and during the discussion of the experiments for rescue from high altitude, he showed in all questions in the field of aviation medicine which came up during this discussion a great deal of understanding and good insight. He gave no occasion for any distrust of his character.

What Hippke had months before given Rascher permission for experiments on prisoners gave no cause for misgivings in this respect. Hippke as medical chief knew Rascher. He had an opportunity to consult the personal files and to see what official and personality characteristics Rascher had. It was a matter of course for me that the medical chief would not ask me to work with a man if he had any objections to this man's qualifications as to character or personality. Moreover, Rascher knew Prof. Woltz. He worked at Prof. Woltz's institute in Munich; and this again could not give me the impression that Woltz would offer me for collaboration a man whom he himself considered unreliable in any way.

Q. Witness, why was another doctor called in; and if another doctor was necessary, why didn't you take another doctor from your

institute in Berlin? Why did you take Dr. Rascher?

A. The approval for the carrying out of high altitude experiments at Dachau had been given to Dr. Rascher by Himmler apparently on the basis of some connections which he had with the SS, which I did not know about at that time. He could not very well be eliminated since he was the one for whom Himmler had given the permission. A second doctor was desirable in carrying out these experiments. Consequently, it was a matter of course to me that Rascher would have to be the second doctor. Moreover, he was a Stabsarzt in the Luftwaffe and, so to speak, an expert in our field. Taking Rascher into the experiments had been agreed upon in the beginning in a discussion with Dr. Woltz. We had agreed on collaboration between Dr. Rosenberg and Dr. Rascher, between the Woltz institute and my institute. Hippke, too, had from the very beginning intended this collaboration. For months beforehand he had given Rascher approval for the execution of such experiments. Consequently, as the situation was in my opinion, the only person to be considered as a second doctor was Rascher.

Q. Now, to get into the camp which was hermetically sealed to the outside world, you had to have some permission from some SS authorities: With whom did you negotiate and what was agreed upon and what directives did you receive?

A. In the discussion in the Woltz institute, at which Prof. Woltz, Dr. Rosenberg, Dr. Rascher and I participated, it was agreed that—I believe it was on the next day—we would go together to the Reichsfuehrung SS in Munich; there we would settle a few formalities; and after that we would go out to the concentration camp Dachau, in order to discuss the experiments with the camp commandant. On the next day we visited the Reichsfuehrung SS briefly in Munich. There the questions of the pass and the approval to enter the camp were discussed, since passes to enter the camp were not given by the camp

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commandant but only by the Reichsfuehrung SS; and after that we
went in a car of the Reichsfuehrung SS out to the Dachau camp.

There when we met the camp commandant and discussed with him the experiments. He asked about their dangerousness. We told him that so far as it was humanely possible to judge one would not have to expect deaths, or any other damage. Since he had no doubt been oriented beforehand about these experiments, he said that he would give us experimental subjects, such as we needed for our experiments; that he would, no doubt, be able to give us a large enough number, and that he would do whatever was necessary. We discussed with him the question of the quarters as to the experimental subjects, and said that during that time they should not be allowed to work; that they had to have good constant observation, and to have medical observation. We inquired about the food for the camp inmates in general at that time, and we demanded that the experimental subjects should be given additional rations, such as are given to every member of the flying crews. Then we discussed the quality of the experimental subjects, and the camp commandant also told us that these people were professional criminals. Of course, that they were to be given an opportunity to volunteer for these experiments, and that Himmler would, no doubt, pardon these people after the experiments, or give them some other advantage.

Q. Dr. Ruff, when you spoke of these subjects, you have repeatedly mentioned the question of the volunteering of the experimental subjects. You have told us that in all of these discussions you always demanded that these people had to be volunteers. Why, did you at that time in 1942, lay so much stress on the fact these experimental subjects were to be volunteers. Was not that a matter of course?

A. As I already described, from 1934 on I worked almost exclusively on experiments, and the great majority of these experiments were on human beings. Thereby thousands of experiments were carried out, and for all of these experiments only volunteers were used on principle. The majority of these experiments were experiments by my assistant and myself on our own persons. This was a matter of course on the one hand. On the other hand, however, in very many of these earlier tests for

reasons of experiments it was absolutely essential that the subjects had to be volunteers. If, for example, one carried out experiments by infecting the subject with some infectious disease, then after the infection the course of the experiment with the disease is completely independent of the experimental subject himself, and the experiment, or the disease takes its course, which can of course, be influenced by the person in charge of the experiment by therapeutic measures, but it takes its course independent of the will of the experimental subject.

In experiments such as we carried out in our institute, and such as were carried out in Dachau, the person in charge of the experiment is dependent on the good will and cooperation of the experimental subject. If it is not possible to interest the experimental subject in the experiment, it is quite impossible to get useful results. The individual values of the experiment differ so strikingly, that it is not possible to get a clear view of the actual facts. In the case of the experiments such as were carried out in Dachau, experiments for rescue from high altitudes, the experimental subject after having overcome the altitude sickness, as a sign that he was completely capable of acting again, had to pull the ripcord of the parachute. Whether he was able to do so, or not, could not be decided by the person in charge of the experiment, because it was part of the experiment that the subject carry out an order given before the experiment, after having overcome the altitude sickness. Just as a parachutist must when he jumps out at high altitude, as soon as he comes to again, when he wakes up from unconsciousness, he must pull the ripcord to open the parachute.

Q. Well, then, you came to Dachau, and went into the camp. Had you ever seen a concentration camp before that?

A. No, that was the first time I was in a concentration camp.

Q. What did you see of the installations in the concentration camp, and, especially of abuses prevailing in the camp, or crimes committed there, or things that we keep hearing about here?

A. After the talk with the camp commandant, which I have just described took place in his office, we went into the camp proper to look at the place where the low pressure chamber was to be accommodated, and then went to discuss again the spot and the things necessary to manipulate the low pressure chambers. The way to this place, we had to pass the gate, and went through a big open space, which had barracks on two sides, and the experimental subjects were to be housed in one of these barracks. We looked at the rooms, and in this barrack, or the one that connects to it, I am not certain any more, was the hospital of the camp. We also saw the rooms at this hospital. We saw that the medical installations were not only very clean and orderly, but also were considerably better in quality than the facilities which a small district hospital in Germany had, for example. Whether the quantity of facilities, that is, the fact whether the facilities were big enough for the number of inmates of the concentration camp I could not judge at the time, and I can not judge today. Since I don't know how many inmates the camp had, the whole camp of which we saw only a very small part was clean and in good order. We saw a shelter in one of the blocks which was also clean like a military barracks. We also saw a washroom at the disposal of the men which corresponded to the demands of hygiene in all respects. That is more or less what we saw at the concentration camp on this first visit. We, of course, saw nothing of crimes, or of anything like that.

Q. In these discussions with the SS officer of the Reichsfuehrung-SS, which you mentioned when you talked to the camp commandant at Dachau, did you hear anything from any other source as to why people were sent to the concentration camp, and what classes of prisoners were there?

A. We knew at that time that in the concentration camps there were two types of prisoners. We knew that on the one hand there were criminals, and we knew that on the other hand there were political prisoners. About other differentiations we know nothing. On the visit to Dachau some other categories were mentioned to us, which I don't

remember today.

Q. Did you learn at the time, you personally, Dr. Ruff, how the people came to the concentration camp. Whether it was by police order, or what facts or orders assigned people to the concentration camps?

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A It was known at that time, as I say, that there were criminals in the concentration camps, and it was also known that these were so-called "Sicherheitsverwahrte," people, under security custody, but there were also criminals who had not yet paid the penalty which was dictated by the Court.

These criminals, the "Sicherheitsverwahrten" and part of the prisoners and penitentiary inmates, as we know from a newspaper report, had been transferred to the concentration camps at the beginning of the war. As far as I can recall the newspaper said that they would be used for work in the war effort. How political prisoners got into a concentration camp was not known to me in detail. It was unknown to many people at that time, whether it was merely on the basis of a police order or decision of the court, or both, that was not clear, and as far as I can see things now, there were probably various ways which these people came into the concentration camps.

Q Dr. Ruff, a little while ago you said that there were professional criminals in Dachau and then you said that you were told that they were "Sicherheitsverwahrte-Verbrecher", do you know what that term meant, what does it mean to you professional criminals and "Sicherheitsverwahrte-Verbrecher"?

A In broad outline it was no doubt known that every one knew what professional criminals meant and also what "Sicherheitsverwahrte" meant, then, and now I understand by professional criminals, that these criminals who have been repeatedly convicted, who have served several sentences, and now in their last conviction are given a certain term to serve and so called "Sicherheitsverwahrung" is pronounced. Under this term I understood that these people, after serving their sentences properly, are not freed but remain under supervision, since the Court does not feel that it can take the responsibility of releasing these professional criminals into society.

Q And until you had this talk with the SS officer and the Commandant at Dachau, at this time, did you yourself see the prisoners

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in Dachau, and if so, what clothing did they wear and what insignia?

A When we visited the camp, we saw very few prisoners, only individual ones. We were told that the prisoners were working. The concentration camp Dachau has a large bread factory, a porcelain factory, a big herb garden for medical herbs and spices, and also big agricultural concerns, and more or less all inmates of the camp were used for work in these various enterprises. The prisoners whom we saw in the camp wore the striped suit and they had insignia on their clothing. We were told what the insignia meant, that a green triangle meant a criminal, that a red triangle meant a political prisoner.

Q On the basis of these agreements and discussions which you have described, Dr. Ruff, the low pressure chamber, I believe it was in February, 1942, I believe was sent from Berlin to Dachau, who gave the order for this?

A Well the DVL, the German Research Association, for Aviation gave the order for this transport. I asked the motor pool to give us a driver for the transport of the chamber.

Q Did the low pressure chamber go directly from Berlin to Dachau or was it first sent to Munich?

A Since the transport of the low pressure chamber was on the autobahn the chamber was first sent to Munich and since this was a Luftwaffe vehicle, it was to be turned over to a member of the Luftwaffe. Rascher was not in Dachau at this time. He was in Munich or in Schongau. If the driver had gone directly from Berlin to Dachau they might have arrived at an inconvenient time, perhaps in the evening, and would have had to find some responsible person to whom they could give the keys and the papers. They could not go into the camp proper since they had to have passes issued to them personally for that purpose which could not be issued by the Camp Commandant at Dachau but only by the Reichsfuehrer SS. In the discussion of all of these minor questions, when we visited the camp Commandant at Dachau he finally asked us whether the driver knew at all what kind of experiments were going to be carried out,

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and we said, of course, no, and then he said he wished that the chamber would be turned over to Rascher in Munich, since otherwise the drivers might spread rumors that inmates of the concentration camps were being selected for service in the Luftwaffe. For that reason the chamber went first to Munich and was turned over to Professor Woltz there and he turned it over to Rascher.

Q Witness, you once signed an affidavit, 18 October, 1946, which is in document book 2 on page 46, document 437, exhibit 42. In this affidavit your statements were formulated to this effect and I quote:

" That is the low pressure chamber was taken to Dachau, I beg you pardon, it was taken to Munich, instead of directly to Dachau, so that the drivers would not find out what the final destination was."

Is this statement as it is formulated here, connected with what you have just described, the order of the Commandant at Dachau?

A I have already said that in order to avoid rumors to the effect that concentration camp inmates were already being selected for the German Luftwaffe, the camp Commandant demanded that the chamber be turned over in Munich.

Q This low pressure chamber came to Munich overland and then to Dachau, who then issued the travel orders for this trip and who supplied the fuel?

A The travel orders for this trip, since it was a military vehicle were given by a military authority at our airfield. The DVL, the experimental station for aviation, as a civilian agency, could not issue such orders and give such approval. The Luftwaffe agency at the air field filled out the travel orders after consulting the medical inspectorate, that is Hippke, since at this time it was already extremely difficult to get approval for such a long trip for which Diesel oil was necessary as fuel. Diesel oil was almost exclusively reserved for submarines and I believe this trip of the low pressure chamber under its own power was, as far as I can recall, the last major trip of such low pressure chamber under its own power. Later it had to be taken by railroad.

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Q Then later did you discuss anything with any one about the quality of the experimental subjects, or was nothing more said about that?

A The statement about the quality of the experimental subjects, that is that they would be professional criminals, that they would be allowed to volunteer, and that they would get some reward of some sort for participation in the experiments, was given first by Professor Woltz, and second, confirmed by Hippke, and, third by Rascher, and fourth, by the Camp Commandant.

THE PRESIDENT: The Tribunal will now be in recess until one-thirty.

(The Tribunal adjourned for the noon recess)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 28 April 1947.)

THE MARSHAL: The Tribunal is again in session.

DR. SIGRIFID RUFF Resumed.

DIRECT EXAMINATION (Continued)

BY DR. FRITZ SAUER

(Counsel for the defendant Ruff):

Q. Before the recess you told us what you knew before the Dachau experiments about the experimental subjects, whether they were voluntary, whether they were criminals, whether they received rewards. I should like to know whether similar indications were made to you about the quality of the experimental subjects while the experiments were continuing, that is, after they had already started.

A. Yes, also after the beginning of the experiments these factors were confirmed to me. When Rosenberg came from Dachau to Berlin for the first time and reported to me about the experiments, we naturally discussed the question what experimental subjects were placed at our disposal, and on this occasion Rosenberg confirmed to me that they were placed at our disposal, and on this occasion Rosenberg confirmed to me that they were all voluntary, and that we were there concerned with criminals.

DR. FRITZ SAUER: Mr. President, I had intended to quote two testimonies of witnesses, the testimony of SS-Obergruppen-Fuhrer Wolff, who has been mentioned here repeatedly, and also the testimony of Professor Doctor Hippke, who also was mentioned on numerous occasions. Originally I intended considering the importance of their testimony, to hear them personally on the witness stand. In the meantime, however, these witnesses were already heard orally in the Milch Tribunal downstairs and were cross examined subsequently. For that reason, I decided not to examine these witnesses here. If we would examine these two witnesses here it would cost us approximately 4 days, for

that is exactly the length of time they took downstairs. Therefore, I should merely like to quote excerpts from their testimony. I am not going to do that today because the supplemental document book in which these two testimonies are contained is not yet available to you. By tomorrow morning this supplemental book will be available to you and then I shall be in a position to read excerpts from these two testimonies.

MR. HARDY: Your Honors, I don't know whether defense counsel knows the procedure necessary, for the introduction of the testimony before the Tribunal Number II will only necessitate him receiving a copy of the record and having the record certified to by the Secretary General of that Tribunal, and then to request the Tribunal here to take judicial notice thereof. And by doing so, I don't see the reason or necessity for reading into the record here the testimony before Tribunal Number II. It may be done that simply. I don't know whether he is aware of that or not.

DR. SMITZ SAUTER: Mr. President, I have already stated that I am not going to read this long record in verbatim, but shall only quote a few excerpts which appear to be of particular importance. I am doing that in the interest of brevity of the proceedings and for the same reason I forwent the opportunity to examine these witnesses personally because that would have cost us approximately four days. The prosecution probably would not be able to get any more from these two witnesses in their cross examination than was the case downstairs in the Milch Tribunal. What I suggested now is intended to accelerate proceedings.

MR. HARDY: Your Honor, I agree with Dr. Sauter 100%. I am merely trying to inform him that to have it certified to by the Secretary of that Tribunal will not delay us here when he introduces it tomorrow.

THE PRESIDENT: Counsel, the prosecuting attorney is correct

if the Secretary-General will certify the entire testimony of these two witnesses, this Tribunal will take judicial notice of that testimony. It is then available before this Tribunal for both parties and can be referred to in argument. It will then be noted by the Tribunal in its entirety and counsel may call attention in argument and in his brief to those portions which he deems important to his defense. Of course, the evidence is already in the transcript form. The Secretary-General will just certify that so many pages of the mimeographed transcript as to the testimony of those witnesses before Tribunal II in that testimony is before this Tribunal for judicial notice, and the Tribunal will take judicial notice of that testimony. "It seems to me that would accomplish every purpose that counsel for the defendant Huff, and the other defendants whose defense will be put in next, that that would answer every purpose that the defendants could desire.

DR. ERIC SALTER: Thank you, Mr. President. I am in full agreement with you. " In that connection I should like to read an excerpt from an affidavit by Herbert Wilschowsky which can be found in Document Book Huff, Document No. 11 on page 45, and which was already submitted to the IAT during the case against the SS. This document will receive the exhibit number 10. This Herbert Wilschowsky from whom this affidavit originates was a Polish Communist. He went to Dachau Concentration Camp after having been sentenced previously to eight years penitentiary because of refusal to undergo military service. The first part of that affidavit is not important and I ask you merely to take notice of it.

DR. SAULER (Continuing) He here speaks about housing and treatment he received in Dachau and he said he was well treated and quite satisfied. I should only like to read the two small paragraphs at the end of the affidavit. I would like to read them because they refer to experiments. The one but the last paragraph, page 47 of the German edition of the document, reads:

"During the whole of my stay in Dachau I saw no instance of killing or maltreating of prisoners, with the exception of the "youth education" measures ordered by the Reichsfuehrer-SS; these were corporal punishment. All cases of execution of shooting or hanging, of which I heard, were based on court-martial verdicts.

"I have never actually seen conditions like those I saw in films and read about in the newspapers after the capitulation, about maltreatment in the German concentration camps. I knew, certainly, about medical experiments on prisoners. I had repeated opportunities of speaking to prisoners who had presented themselves for these experiments. I know nothing of the nature of these experiments. Prisoners who reported for these experiments, did so, as far as I know, voluntarily, as in this way they could earn their own freedom and rehabilitation as well as benefiting their dependents....."

This affidavit is certified in the proper way as I said before. It originates from a Polish Communist who was interned at Dachau for a number of years.

Dr. Ruff, the experiments in Dachau then began. What order did you have which permitted you to send your co-workers to Dachau, including Dr. Rosenberg?

A. Dr. Rosenberg received the order to clarify the question whether a protection of airplane passengers is possible at a height of 20 kilometers altitude. For that purpose he was to carry out certain parachute experiments. By parachute experiments we understand experiments where a man who has jumped from the plane would fall as if

he wasn't opening his parachute. Under so-called slow sinking experiments we understand experiments which are similar to conditions where a man goes down to the ground when his parachute is opened. During these experiments Rosenberg was to pay attention to the so-called pre-mobilisation which is the peculiar incident where the human being when descending from high altitude regains his full consciousness at the point where when ascending he lost his consciousness. In the case of this assignment with which Rosenberg went to Dachau we were concerned with a very clearly limited order to clarify a practical and important question.

Q. Dr. Ruff, during this trial we are always speaking of medical experiments on human beings. In other words, medical experiments on human beings. I would be very interested to know whether this experiments, the experiment in an airplane, or experiments with the low pressure chamber in order to protect people from high altitude can be put on the same level as medical experiments, such as infectious experiments, etc., or wasn't there any essential difference which could find the effect in the legal evaluation of these experiments?

A. If you like you could divide medical experiments into two main groups. On the one hand you have the actual clinical experiments to which, for instance, belong infection experiments. In the case of these clinical experiments the man in charge of the experiment is not really close to the actual course of the experiments or, at any rate to a very small extent. The physiological experiment on the other hand to which these aviation experiments belong have an entirely different task. They are performed on healthy persons, do not bring about any illness and normally result in no damage to health of the person or even in the death of the experimental subject. It is their task to investigate the normal physiological living conditions or to test the regulations governing these conditions. In order to cite a very simple example one can find out what the reaction of the heart

is under normal conditions for instance, how the heart reacts when standing, when lying, after easy work, etc. In order to stick to this example one can also try to ascertain to what extent the heart can be burdened with, for instance, physical activity. For such a purpose I ask that the experimental subjects carry out physical exercise up to the time of exhaustion. During that time I observe all the things which are of particular interest to me. During such burdening experiments, as we call it in medicine, practical questions often play a particular part. In order to stay with this example of the function of the heart the practical questions which will crop up, for instance, are the following: to what extent can a human being, given certain nourishment and assuming a certain age, be burdened. In our experiments as we carried them out in Dachau it was to be ascertained whether this burdening, by having a person parachute from high altitude, remained within normal reactions of a human being and the practical question is whether the human person would awaken from its altitude sickness early enough to carry out his decision to unfold the parachute entirely. It is important that in this group of physiological experiments can increase this burdening by degrees so that one carefully approaches the limitations of possibility. The entire experiment is carried out within the sphere of normal. Contrary to the clinical experiments, for instance, infection experiments which are always carried out in the sphere of the abnormal.

Q. Dr. Ruff, I should like to revert to the one but last question I put to you. I have just heard it was translated that Lomborg had had the order to clarify this problem at a height of 25000 meters. Didn't I understand you to say that is order read that the problem was to be clarified at a height of 20000 meters?

A. Yes, that is correct. I said 20,000 meters.

Q. Dr. Ruff, one day the experiments were started at Dachau;

Were you yourself in Dachau during those experiments and did you personally convince yourself how these experiments were carried out, or was that not the case?

A. That is correct. At one time I went to Dachau while these experiments were carried on and I observed them.

Q. Do you know when, approximately, that was.

A. Yes, that was during the first weeks of these experiments. Unfortunately I can no longer give you the exact date.

Q. Can you tell us approximately how long after the beginning of the experiments you went there, whether one week, 14 days or a month later.

A. I assume about three weeks later. I went there about three weeks after the beginning of the experiments but as I said I can't say exactly.

Q. I fully understand. During your personal experience in Dachau when you observed these experiments for the first and last time, did you also see the inmates used for these purposes.

A. Yes.

Q. Did you speak to these people, I mean the inmates?

A. Yes. I did before and after the experiments I spoke to those inmates who participated in the experiments which I personally saw. And, in addition I had time, from five to six hours, to move among these prisoners, that were used for the experiments and talked to them about various matters.

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Q Dr. Ruff, did these persons wear any particular red or green badge, and I mean the prisoners who you saw when you went to Dachau? During the experiments when you yourself were there did the experimental subjects wear any badge? Did that come to your notice?

A The experimental subjects which were used for our experiments were housed together at that experimental station. They all wore a badge which was the same in the case of all them. It was the green badge belonging to the criminal.

Q Did you find out, through conversation, for what crimes these people had been incarcerated?

A Romberg, as well as Rascher, told me about the crimes that were committed by these persons, and I think that the witness Neff, who was examined here, said something about that. Today I only remember the case of two of these experimental subjects of whom one was sentenced because of theft and the other because of printing false money.

Q You said that the inmates who you saw wore the green badge - the badge for professional criminals. Weren't there any political prisoners there who ordinarily would have had the red badge?

A These experimental subjects I saw all wore the same badge; namely, the green square.

Q Dr. Ruff, did you entertain any thoughts when you were in Dachau as to whether people who you saw there were Germans or foreigners? Whether they were Aryans or Jews? Whether they were civilians or prisoners of war? I am not asking you whether you are thinking about that today, but whether you thought about that at that time or whether you learned something about it? I emphasize - at that time.

A At that time I did not think about that point. That for the reason that I did not know that any foreigners were housed in any concentration camps, not to speak of prisoners of war. That I only heard here during the trial - that there were any prisoners of war in Dachau or in any concentration camps. I cannot remember having read in the newspaper before this trial that any prisoners of war were in concentration

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camps. From the conversation I had with the inmates during my stay in Dachau I can say today, with certainty, that none of these inmates spoke any other language but German. Certainly, there was no experimental subject there who came from abroad, and if I remember correctly, Neff has also testified that these foreigners did not wear the badge of a professional criminal.

Q During conversations with these people did you discuss the question of the voluntary nature? If you didn't discuss that question expressly, what impression did you gain from these people as to that aspect?

A I didn't discuss the question of their voluntary nature specifically because I had already known before the experiments started that we were going to use voluntary subjects. My co-worker, Romberg, on the occasion of his first trip to Berlin, told me that they would be voluntary professional criminals and I therefore had no occasion to discuss that question with them. However, I asked one of these people - since I was interested in that subject - how many had volunteered or rather, how many had reported for these experiments, and he said that this was a number of sixty-seven and that Stabsarzt Rascher had ten selected, the age groups which were suitable for our experiments.

Q Witness, as you have said, you went to Dachau once after the experiments had started. You observed them yourself and convinced yourself of their execution. Why did you do that? Could you not rely upon your co-worker, Dr. Romberg, and if so, why did you go from Berlin to Munich in order to observe the experiments?

A Dr. Romberg was my oldest collaborator. Ever since January, 1938, he was a member of my institute and had engaged in particular in medical questions occurring during air accidents and during altitude accidents. By order of the Medical Inspectorate of the Luftwaffe, he investigated all air incidents - air accidents during the years from 1938 to 1940, and he compiled a very extensive report on these matters where he established that during aviation, air incidents occur for the reason

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that crews were not informed enough about the peculiarities of altitude sickness. On the basis of that report it was ordered that all crews of airplanes who had to fly in high altitudes had to be subjected once every two years to altitude sickness in order, by own experience and by observing their friends, they would get acquainted with altitude sickness. Rombert had performed numerous experiments of various nature upon himself in this sphere of high altitude. Within my institute it was his task to inform younger collaborators about altitude sickness. In other words, he had to teach our younger assistants and, in this manner, he had to perform high altitude experiments almost every day on either as the man in charge of the experiments or as the experimental subject. During all these experiments I had considered Rombert as a careful and reliable experimenter and physician. In spite of that, however, I went to Dachau personally in order to observe these experiments personally. Whenever any experiments were carried out outside our institute I was in the habit of doing that and I am referring to wind tunnel experiments at Braunschweig and other experiments at Rechlin. This visit to Dachau had nothing at all to do with my evaluation of the reliability of Dr. Rombert, but it was in accordance with a principle to which I always adhered whenever experiments were carried out beyond the limits of our institute.

Q Then the experiments at Dachau, Dr. Ruff, were not performed by yourself, but by the co-defendant, Dr. Rombert, and by the repeatedly mentioned Dr. Rascher. What was the relation of subordination? Was Dr. Rombert subordinate to Dr. Rascher during these experiments, or was Dr. Rascher subordinate to Dr. Rombert? Was this question of subordination ever discussed or, at any rate, what was your understanding?

A During these experiments we were concerned with scientific collaboration. This had been agreed upon. This, in effect, means that neither one was subordinate to the other. This scientific collaboration between the representatives of various institutes is quite customary in science. Dr. Rombert was responsible for the scientific part of these high altitude experiments because he was the one who had already in the

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past carried out such experiments. He was the one who set up the experimental plan and had most experience in that regard. Within the concentration camp, the relations of subordination was different because Rascher had had the approval for the performance of these experiments and therefore was responsible to Himmler. Romberg, on the other hand, within the camp was responsible to the camp commander and to the SS legal system. That was no special case, but every person who had entered the concentration camp had to acknowledge this fact by his signature before given the permission to enter the camp. I had to sign such a paper when visiting the camp. Every person had to obey all the orders by the SS, while in the camp, and certainly had no right what so ever to issue within the camp. Dr. Ruff, in various documents contained in the document Volume #2 of the prosecution the expression can be found that Rascher was detailed to the DVL station at Dachau, DVL meaning German experimental Institute for Aviation. For instance, I found that expression contained in a file notice of Mrs. Rascher, dated the 28th April, 1942, Document 264, and also in a letter by the witness Wolf, directed to Hippke, addressed to the 16th of April, 1942, Document # 318. On the other hand, Hippke told me personally that there was no branch in Dachau of the D V . How about that situation?

I did not at all concern myself about Rascher's being detailed to these experiments, either before the experiments or during the experiments. Rascher did not belong to my institute, and his being detailed, therefore, could not concern me. When the experiments started, Rascher had belonged to the institute of Prof. Woltz which had an Air Force agency, and if, as I saw from the documents, there were differences between Woltz and Rascher, Rascher tried to be detailed to some other agency. In this connection, his wife suggested that he be detailed to the DVL at Dachau. No such branch ever existed. At no time was there a branch of the DVL at Dachau or in any other concentration camp.

In the year 1942 there was no branch of the DVL at all, with the exception of an institute for seaplanes, which was located at Hamburg. Rascher, before the experiments and during the experiments when he was in Berlin, was not even detailed to my institute there. My institute was a civilian agency to which he could not possibly have been detailed.

Whenever any soldier or officer was to work with us temporarily as a guest this fact always presented particular difficulties. He was then detailed to an Air Force agency, and this agency in turn permitted him to work with us as a guest. Otherwise, a detailing to a branch at Dachau was not possible for two reasons; one reason because no such branch existed, and, secondly, that if any such branch existed it would have been a civilian agency.

In addition, if any such detailing had been carried out, DVL would have had to have been informed, and this report would have been sent back automatically by our personnel.

department containing the indication that any such detailing was not possible from a military point of view.

In Hippke's letter of reply to Wolff, which refers to the suggestion of the detailing of Rascher to Dachau, you find that Hippke does not agree to that suggestion; but, rather, writes that Luftgau VII (Air Gau VII) would carry out this request.

Q Dr. Ruff, when did you gain knowledge that Dr. Rascher's work with Prof. Woltz had been terminated, and that Rascher was once more part of his unit, which was then located at Schongau. When was that? Can you tell us approximately?

A When I was at Dachau at that time I heard there were certain differences with Woltz and Rascher, and that Rascher had been detailed away from that institute or was to be sent away. Since this concerned internal affairs of the institute I did not worry about it.

Q Witness, there is a certain contradiction to be found in the documents which are available here. The witness Neff who was examined here has stated on the 17th of December that he knew with certainty that you were in Dachau once in order to look at these experiments. He said that was on the 22d of February, 1942, the day of his birthday. Dr. Romberg, your co-workers, has made an affidavit, Exhibit 40, Document 476, wherein he states in paragraph five, and I quote: "I, Dr. Romberg, remember that Dr. Ruff at least visited Dachau twice, on which occasion he observed the experiments."

How often were you really in Dachau in order to look at the experiments?

A For the purpose of observing the experiments I went to Dachau once. In spite of that fact, however, both.

testimonies are correct when Hoff says that he saw me in Dachau on one occasion when I looked at the experiments; and Romberg is also correct when he says that I was at Dachau on two occasions.

On one occasion I was there before the beginning of the experiment in order to discuss them; and on the second time I was there while these experiments were going on.

Q Dr. Ruff, at the time you were in Dachau in order to attend the experiments personally - that was approximately at the beginning of March, 1942 - what did Dr. Romberg and Dr. Rascher report to you about the progress up to that time? Were you told that the experiments had been going on according to program and without any incidents? Or were you told that there were any incidents?

A While I was in Dachau at that time Dr. Rascher and Dr. Romberg told me what experiments they had performed. They said that the experiments had been going on properly and they didn't tell me about any incidents which may have occurred.

Q You said before that on that occasion you observed the experiments at Dachau. You discussed various matters with the experimental subjects. Did you perhaps also speak to the experimental subjects, asking them whether they know anything of incidents which occurred, or whether any damages to their health resulted during the course of the experiments?

A Naturally, I did not ask the experimental subjects about these matters; I only asked the people in charge of the experiments. I asked the experimental subjects only how they felt after the experiments, etc. They confirmed what I saw with my own eyes, namely, that apart from a certain tiredness after the experiments, they suffered no complaints whatsoever.

Q While you were personally present in Dachau, what did you learn or what could you establish about the amount of the experimental subjects, and whether the same subjects were used for the experiments, or whether they changed in the case of the respective experiments? Dr. Romberg's experiments didn't only take place for a few days, but extended over a period of several weeks; what did you learn about that? What was the amount? Were they the same ones or did they change?

A I already said that a group of experimental subjects was housed at this experimental station. It was planned from the outset and it was in effect carried through that these experimental persons were to be available for the entire series. The amount of these experimental subjects ranged between ten to fifteen persons.

Q Dr. Ruff, we know today on the basis of the documents which have been submitted that during the Dachau high-altitude experiments - and I am speaking quite generally - fatalities occurred. When and in what manner did you for the first time hear about these fatalities?

A That was approximately at the end of April, or the beginning of May. Dr. Romberg came to Berlin and reported to me that Rascher, in addition to our experiments for the purpose of protecting the people from high altitudes, was performing other experiments, as he said, upon orders of Himmler; and that one fatality occurred during those experiments of Rascher. Rascher, as Romberg reported to me, was carrying out an investigation about the reaction of the heart during the so-called "pressure illness."

Q What kind of an illness is that?

A That is acro-embolism.

Q Well, perhaps you could shortly describe that illness; using the Latin word or the German word won't help us.

A These are complaints which occur - can occur - after an altitude of 10,000 or 11,000 meters, on the basis that there is a lack of nitrogen. During such experiments a fatality had occurred when for some time he was at an altitude of between 10,000 to 12,000 meters. Dr. Romberg reported to me that during that experiment the electrocardiogram had registered an irregularity. He warned Rascher that in effect after a little time an electrocardiogram had dropped down and the result was death of the experimental subject. On the basis of this report of Romberg about this one case of death, we had become clear that we would have to conclude our experiments as quickly as possible. Dr. Romberg was only to conclude the very urgent experiments which had to be performed. During that time a film had to be produced about these experiments - ordered by Himmler on the occasion of his visit to Dachau. After this film had been concluded the chamber was to be removed from Dachau as quickly as possible. The difficulty in concluding the experiments presented itself because one could neither tell Rascher nor Himmler that the fatality which had occurred was the real reason.

Romberg therefore was to use the pretense that the chamber was urgently required at the front. For that purpose we naturally needed the authority of our medical inspector, that was Hippke. In this manner it was possible to remove the chamber from Dachau; against Rascher and Himmler's will it would not have been possible.

Q Do you believe that against the will of Rascher and against the will of Himmler you could have removed the chamber out of the concentration camp at Dachau at all, if you hadn't done it through the trick you have described?

A I don't believe I need to go into that at all, that neither Romberg or I would have been in a position to act against the will of Himmler and Rascher to remove anything out of the concentration camp, and certainly not the low pressure chamber.

Q It is true, Dr. Ruff, that on any occasion you were told it would be sabotage and treason if experiments were prevented?

A When we removed the chamber from Dachau in this way we realized that it was not entirely without danger to us. How dangerous it actually was, we learned only later because it was said that Himmler had said in writing that he considered those who sabotaged such experiments or attempted to sabotage them were traitors.

Q A little while ago you told us that in addition to the experiments which Dr. Romberg was to undertake on your behalf that Dr. Rascher was carrying out other experiments on his own accord, and that there was one death in these other experiments; now when you received this news from Dr. Romberg you no doubt wondered how such a death was possible. I should like to know, on the basis of the description of Dr. Romberg, did it occur to

you that in Dachau in these experiments Dr. Rascher carried out on his own accord a crime had been committed; what was your first reaction?

A. It never occurred to me that this was a crime. According to our experience, on the basis of thousands of high altitude experiments, one did not need to expect death in these experiments under the assumption that the experiments were carried out properly; but, of course, we realized that somehow, by an unfortunate coincidence, a death could occur. At that time already we could expose our plane crew at a height of 12,000 meters for fifteen minutes in training. During these experiments we never had a death, nor serious incidents; but, nevertheless, it did not occur to me at the time that a crime had been committed here, I considered this an unfortunate coincidence, and it was my point of view that I saw no reason to think that Rascher was carrying out experiments, which were dangerous or which had to result in death.

Q. Now, Dr. Ruff, five years have passed since then; now do you still believe today, as you did then, that in such high altitude experiments, when the people are kept at a height of 10,000 to 13,500 meters for some time, that no deaths can occur if the experiments are well prepared and properly carried out?

A. No, I am of a different opinion today for the following reason: In the American Airforce, as well as in the German Airforce, these tests at 12,000 meters were carried out for training purposes with a very small difference in the method. In these tests the American Airforce, to which the soldiers were ordered, just like in the German Luftwaffe, had several deaths. The difference between the tests in our Luftwaffe and the American

Airforce was merely that we kept our crews at 12,000 meters for fifteen minutes, and the American Airforce kept their crews at that altitude up to one hour; and during these experiments for training purposes and not for research purposes, there were several cases of death, and these deaths are described in a paper which was published. I personally had an opportunity to talk to a sergeant or a corporal, who was present at two of these experiments. He was in Heidelberg, where I was working, and was in charge of the low pressure chamber, and had worked with that formerly in the States. He could not give me any information about the medical aspects of what happened, he merely described the situation to the effect that the experimental subject was perfectly alright at 12,000 meters, then suddenly fell over and when the chamber was brought down, the person was dead. The cause for this sudden death has not been clarified, they are probably the result of the effect or that a small gas bubble is formed in the blood at this altitude and this gas bubble reaches the part of the brain which is between the brain proper and the spinal cord, the so-called medulla oblongata, that a blood vessel is clogged up there and because of inadequate circulation in this part of the brain, a sudden death is caused.

That the cases of death which occurred to Dr. Rascher in the presence of Dr. Romberg were accidents became quite clear to me in the course of this trial; for if what the witness Neff said here is true, that about seventy to eighty people lost their lives in these experiments, and that Dr. Romberg was present at only some of the experiments, then you well can understand,

on the basis of this fact alone, that they were accidents when Dr. Romberg was present, because Dr. Rascher obviously had an inclination to conceal these experiments from Romberg. I personally can see no reason if he concealed seventy seven experiments, with deaths from him, that he should now let him be present at three.

Q Dr. Ruff, we have reached the stage where you learned that the experiments in Dachau, the experiments which Rascher carried out on his own accord, led to a death, then you gave instructions to stop the experiments and to return the chamber to Berlin, that is where we stopped. In addition to this the instruction which you gave Dr. Romberg, did you do anything else, for example, to avoid independent action of Rascher or to prevent further deaths, etc., what else did you do?

A I have already said, we had wanted to get the chamber back from Dachau with the explanation that it was needed urgently at the front, we needed the cover of the Medical Inspector Hippke. Therefore, when Dr. Romberg visited me in Berlin and reported to me that a death had occurred, I tried to reach Hippke, but I was not able to find him on that day because he was away on a trip. Then Romberg went back to Dachau, but after about two days he came back to Berlin again and brought the damaged meter from the chamber, which the witness Neff told about. Then he remained in Berlin for several days to have this apparatus repaired and went back to Dachau. After that I had an opportunity to talk to Hippke, and I told Hippke how far we had gotten with our experiments. I told him that this death had occurred, and that it was my opinion that the experiments had to be broken off immediately, and that I

had already given Rosenberg instructions to stop the experiments as quickly as possible and get the chamber out of Dachau. Hippke approved this idea, and he showed me a telegram from Wolf via Milch to him, in which Rascher demanded that the chamber should stay there two more months. Hippke told me that he wanted to refuse to leave the chamber there any longer, and later he did so.

Q. Do you know yet, Dr. Ruff, what the date of this telegram was?

A. The 12th of May.

Q. The 12th of May, document 343 APS, Exhibit 62 of the Prosecution in document book 2, page 83. Then did you see Hippke again?

A. After the chamber was returned, I went to see Hippke again in the beginning of June. I told him that we had concluded our experiments, that we had succeeded in getting the chamber out of Dachau, that the chamber was back in Berlin, and I told him briefly about the results of the experiments, and what had happened in the meantime. On this occasion Hippke showed me another letter from Hess by Wolff through Milch to Hippke again, and that stated that Milch had already promised Wolff that the chamber would stay in Dachau two more months. Then Hippke said the facts make this business obsolete, the chamber had already been brought back, and he was going to report this to Milch.

Q. If I understood you correctly, Dr. Ruff, do you mean to say ... that the first visit which you paid Hippke was before the 20 May, 1942, about the 12th May?

A. Yes, it was before the 20 May, 1942, probably about the 13th or 14th.

Q. And the second visit?

A. That was at the beginning of June.

Q. Beginning of June, 1942? You are obviously referring to this letter of the 4 June, 1942, is that right?

A. Yes.

Q. Document 261, which Hippke showed you, is that right?

A. Yes.

Q. Now, Dr. Ruff, I would be interested in one thing: Can you tell us more or less precisely when the low pressure chamber was returned to Berlin. The statements made so far and the assumptions differ, what do you know today about this point?

A. I cannot give the exact date even today when the experiments in Dachau were finished. They were certainly finished before the 23 May. On the 23rd of May Romberg was certainly back in Berlin. That can be

seen from a work book of my chief mechanic. On the 24 and 25 May, 1942, was a holiday, and on the 28 May the work shop delivered to Rosenberg the model of a clock, and this clock model was used in connection with the film which was made in Dachau to make titles. It was planted in as a trick shot showing the progress of time during the experiments. From these facts I can say today with certainty that before the 23 May the experiments in Dachau were finished and the chamber was removed from the concentration camp.

DR. SAUTER: Mr. President, this work book of the former mechanic I received yesterday from Berlin. I have it here, if the court is interested in it, I shall, of course, be glad to place it at the disposal of the Tribunal. From the whole manner in which this book is kept, one can see very clearly that it was not made up just now and that this entry was not added now, but that this was the original in which the mechanic Pohlmeister, that is his name, made his entries at that time. The book was to show how many hours this mechanic worked every day together with his assistants. He always writes what work was done in detail, and on the right side he puts down for each day the number of work hours and also the number of over-time hours. I have not been able to present this book earlier because I did not receive it until yesterday, and besides you will not be able to do much with the book, because it is in German. The whole book would first have to be translated and that really isn't worth all of that work, but nevertheless I consider it important that this book, which I showed to the defendant last night, can be used as evidence, because it has great value as evidence to prove the truth of what the defendant Ruff has said here under oath.

THE PRESIDENT: Counsel, what do you contend this book shows by way of evidentiary matter?

DR. SAUTER: This book shows, for example, that on the 2nd of June, the second day of the 6th month, there is an entry by this man Pohlmeister, stationed at Adlers-hof, that is the town where Dr. Ruff was, chamber to be unloaded, 8-3/4 hours work, 1 hour overtime. That proves in addition to what Dr. Ruff has testified that this chamber,

which was not brought back to Berlin by road, but by railroad, arrived on the 2 of June in Berlin in Adlers-Hof, and was unloaded on that day. That on this date, on the latest, it arrived in Berlin. I merely want to prove at what time the chamber was returned to Berlin, because it has been asserted in another connection, that far into June experiments were carried out, for which Ruff might be held responsible; and this work book, of which everyone can see it is obviously the original, also shows on the 28th May, an entry: Romborg, film clock, and it says something, "mass" I can't imagine what that means, and neither can Mr. Ruff, 8-3/4 hours and 1-1/2 hours overtime. This, in connection with the testimony of Mr. Ruff, shows that on the 28th May this film clock was made at the institute, which was to be used for a film with this low pressure chamber. I want to prove by means of these entries that on the 2 June 1942 at the latest, the chamber was back in Berlin, having been brought back by railroad. That it left Dachau perhaps two or three weeks before that, and it arrived in Berlin on the 2nd of June. That is the work book and the work which it covers.

MR. HARDY: I wish counsel would kindly translate the entry again; read this entry again, doctor?

DR. SAUTER: First, what I consider important, there in an entry dated 28 May, 1942, " Romborg film clock, mass," I don't know what that means, "8-3/4 hours, 1-1/2 hours overtime," and under the date of 2-6-42, there is an entry "Station Adlers-hof, chamber unloaded 8-3/4 hours and 1 hour overtime."

MR. HARDY: Your Honors, I am quite familiar with the evidence and I can't see the materiality of it. However, if Dr. Sauter wishes to make a document certifying to these two entries, the two extracts of the original, I will have no objection to them being introduced in evidence.

THE PRESIDENT: Counsel, you heard the offer of the Prosecution. If you have the two entries you mentioned copied and certified they may be submitted in evidence without objection.

DR. SAUTER: Very well, thank you.

THE PRESIDENT: I would suggest that the book itself be submitted to the Prosecution for examination, allow them to examine the book in your presence, or in the presence of anybody whom you choose to designate, and then have the copies made.

DR. SAUTER: I had hoped, Mr. President, that the witness, Fehlbister, would be here to day and could be called as a witness today or tomorrow and explain his work book, but the witness was not able to get leave to come here from Berlin. There are certain difficulties, and consequently I cannot call this witness, but I shall do what the President suggested.

THE PRESIDENT: Is Counsel for the Prosecution willing to stipulate now, that the record as read in the evidence may be admitted as correct reading, the time book which Counsel had?

MR. HARDY: Counsel for Prosecution is willing to stipulate that, your Honor. However, we are not stipulating as to the fact that as a fact this chamber arrived in Berlin on that date. We would stipulate that the entries are correct. Yes.

THE PRESIDENT: Do understand that. But, Counsel for Prosecution is willing to stipulate that those entries are in the book as read by counsel. Is that correct?

MR. HARDY: Your Honor, due to my inability to read the German language I would request that the interpreter here read the same two entries as pointed out by Dr. Sauter, and that will verify the entries and the translation thereof; and then I will be willing to stipulate.

THE PRESIDENT: Well, suppose the entries be examined after the recess this afternoon and the matter can be taken up in the morning. The interpreter can examine the records then with counsel for both parties, and then some stipulation can be reached when the Tribunal opens tomorrow morning.

BY DR. SAUTER:

Q. Dr. Ruff, yesterday I showed you this work book. Did you recognize it with certainty as the same work book which was prepared by your foreman, Fohlmeister, at that time under your supervision?

A. Perhaps I may first make a correction -- not yesterday but the day before yesterday. Yesterday was Sunday. Yes, I know the book. That is the work book of my foreman, Fohlmeister.

Q. In that connection then, Mr. President I should like to ask the Tribunal to take notice of an affidavit Matthes in Document Book Ruff No. 6, Page 20 to 23, Exhibit 10. This Dr. Matthes also worked at the Institute which was headed by the defendant Dr. Ruff. In April 1933 he already met Dr. Ruff, as a definite opponent of the SS and then -- I did not intend to read this document -- but he described in February 1942 he was assigned to the Institute and he says that Rascher says some very derogatory things about Ruff -- that Ruff

was no National Socialist, that he refused to give Rascher assistance, that Ruff was sabotaging the war effort, etc. Then I shall read on page two at the bottom — it says:

"From these records (says the witness Dr. Matthes) I noticed that in the experiments performed by Dr. Romberg no fatalities or physical damages had occurred, that according to the records all experimental subjects got well over these experiments and recovered soon. Further the records as well as the explanations given by Dr. Romberg showed that he had conducted his experiments by employing all conceivable precautionary measures. The experimental subjects, so Romberg explained to me, had been criminals condemned to death who were later pardoned."

Then the witness speaks about the time of the return of the chamber to Berlin and says — I read on page 3 then, the last two paragraphs:

"Only at the time of my conversations with Dr. Romberg did I also learn that a low pressure chamber had come back from Dachau. According to my recollection, the low pressure chamber must have come back to the Institute in May 1942. I can remember the date because after the return of the low pressure chamber I was ordered by Dr. Ruff to take a trip to Cologne in order to procure spare parts. I made this trip and on that occasion I was in my home town of Bonn. That was in the time from 1 June to 10 June 1942 so that the low pressure chamber must have been returned to the Institute in May 1942."

I shall not read the last paragraph — it merely shows that Dr. Ruff took an interest in the relatives of this witness in spite of their Jewish ancestry and that he helped them. And this has been sworn to by the witness Dr. Matthes and certified.

Dr. Ruff, the chamber came back to Berlin. What happened then to this chamber?

A. It stayed in the DVL longer than we liked. First that wasn't too bad, since it had to be checked over and prepared for new use.

a longer stay, as actually occurred was unpleasant because this indicated that the chamber was not urgently needed as we had indicated, that actually in the months of June and July there was no use for the chamber. Only in August the Luftwaffe group turned up and took over the chamber — and they took it away in August.

Q. I should like the Court in this connection to take notice of an affidavit of Dr. Kellersmann which is in Ruff Document Book, Document 14. That will be Exhibit 11.

THE PRESIDENT: Counsel, did I understand you to say Document 14?

DR. SAUTER: Yes, Document No. 14, Dr. Kellersmann, page 55, Exhibit 11. I do not intend to read the document — it merely supports the statement just made by the defendant Ruff that the chamber was in Berlin and not used for several months, although the SS, as we know, repeatedly asked for use of the chamber.

Dr. Ruff, when he visited Berlin at the end of April or the beginning of May Romberg told you of only one death — did you later learn of other deaths and from whom?

A. In the time between Romberg's return to Dachau and the removal of the chamber Romberg called my up once or twice in Berlin — might even have been three times. The first time I informed him that Hippke approved our plan. I informed Romberg that Hippke had already received a telegram from Rascher for use of the chamber for a longer period, and that Hippke intended to disapprove the extension and inform Hilch. When Romberg called up again he told me that Rascher had performed further experiments, and from the telephone conversation I could draw the conclusion that something had happened again during those experiments. Romberg was not able to say anything more definite on the telephone since all telephone conversations were checked on and he could not tell me over the telephone how the experiment had gone off and what had happened. But, from the conversation I could conclude something had happened. And, I believe that was the same telephone conversation when Romberg told me our experiments were

finished and said that Rascher had approved having the chamber returned. And, then on the basis of this telephone conversation I sent people to Dachau to load the chamber on the railroad there. When Romberg came back to Berlin, he reported to me that in the meantime Rascher had had two further deaths. He, Romberg, had been present at the experimental station when these deaths occurred. As far as other deaths from Dachau experiments were concerned I never heard anything about them; and, in particular, I realized on the basis of Romberg's reports that the deaths had occurred during experiments performed by Rascher on instructions from Himmler.

Q. Without your volition?

A. Without my volition, and without my knowledge.

Q. Now, the witness Hoff who was examined here in December spoke of five deaths which supposedly occurred during Rascher's experiments when Romberg was present. Did you hear anything about that?

A. No. I did not hear anything about that. I heard about three deaths, and Romberg reported them to me. When Rascher was in Berlin to draw up the report he didn't say a word to me about deaths, nor about his experiments which he had performed for Himmler at all.

Q. Dr. Ruff, you are speaking of experiments which Rascher carried out without your knowledge and without your approval on his own initiative. Apparently he had special orders from Himmler. Do you have any idea today whether these experiments of Rascher's he did on his own accord had anything to do with the problem which was to be solved through your experiments in Dachau, that is, the problem of rescue by parachute from high altitudes; or from your conviction as a specialist, were these independent experiments of Rascher's something quite different?

A. From the intermediate reports which Rascher sent to Himmler, which I saw here for the first time in the document book, one thing is clear; that these experiments have nothing to do with experiments for rescue from high altitudes. What Rascher wanted to clarify is not quite clear to me from these brief intermediate reports. He doubtless had attacked quite a number of questions, did a few experiments each time, and then stopped the experiments and taken up something different. In any case, insofar as one can conclude from these intermediate reports, there was in no case any complete series of experiments. There are at least three, four, perhaps five problems which he tried to work on - none of which he completed - and it seems to me that these experiments were merely orienting experiments and that he intended to clear up these various problems without longer series of experiments, and no doubt he always wanted to have the low pressure chamber in Dachau again for that purpose.

Q. Witness, you are convinced then that in the experiments which were carried out with your approval and with your knowledge - that is the regular orderly experiments - there were no deaths?

A. In these experiments for rescue from high altitude I know that there were no deaths.

Q. The witness Heff, when he was examined here in December, said that Rascher once, by night, allegedly performed experiments with sixteen Russians when Dr. Rosenberg was not present. The result was that, on the next morning, all of the sixteen Russians were dead. When did you learn of this matter for the first time?

A. I learned of it for the first time when the witness Heff made this statement on the witness stand here.

Q. Do you really believe that in this case one could speak of medical experiments or what is your opinion today, as an expert, about what Rascher's intention could have been in this action?

A. In the low pressure chamber, when it was in Dachau, twelve

people could be accommodated at the utmost. There was room for twelve people to sit on the benches if the people crowded together. If one assumes that the number of sixteen Russians is correct, then there was not room for these sixteen people in the chamber. Moreover, it is impossible to perform an experiment simultaneously on sixteen or twelve or eight at the same time. The chamber has three windows. Even if there is a doctor at each window, observing the experiment, it would hardly be possible for him to observe sixteen people at the same time who all become unconscious in a very short time, have cramps, etc. It is hardly possible. My opinion agrees with that of the prosecution's medical expert that this was not an experiment at all, that this was an execution.

Q. Dr. Ruff, in Document Book 2, there are a number of photographs concerning a man who was subjected to some experiments in the chamber. Do you remember these photographs in Document Book 2?

A. Yes.

Q. Do you believe that there is any evidence as to what the type of experiments was during which these pictures were taken? Whether these were the rightful experiments for your institute or whether these were the independent experiments of Dr. Rascher for Himmler?

A. In the form in which the photographs were submitted in the document book these photographs show nothing whatever except that a dead body was dissected. These pictures could be from any pathological institute and could be autopsy. Dr. Alexander, the prosecution's medical expert, was kind enough, however, to give me a few better copies of these pictures, and in these good copies one can see very plainly that in this brain autopsy - in the big vessels of the brain there are more or less large air bubbles. The vessels, in part, looked like strings of pearls. This proves that these dead people died either when surfacing after diving, or died after leaving the so-called caisson, that is the air pressure chambers which are used

for work in water, for instance, when bridge pillars are set up, or else that these were deaths from high altitude. The latter is to be assumed in this case, if one grants that these pictures were actually taken in Dachau. Assuming then that these were people who died from high altitude, then on the basis of this finding of the air bubbles in the blood vessels, they must be people who died after a long stay at altitudes of more than at least 10,000 meters - probably more than 12,000 meters. These gas bubbles in the blood vessels develop at these altitudes normally above 12,000 meters - in the course of a longer stay at these altitudes, since these gas bubbles need a certain period of time to develop, at 12,000 meters, the time is five, six, seven, eight or ten minutes, this could not have happened in the experiments for rescue from high altitude. In these altitude experiments, the experimental subjects, for example, when bailing out at 15,000 meters and falling on the open parachutes - these people were at heights above 12,000 meters for three minutes. This is the longest time which the experimental subjects remained at altitudes higher than 12,000 meters, because, when jumping from 20,000 and 21,000 meters there were no parachute descents with the open parachute out only three falling experiments without the parachutes being opened, and in these experiments the experimental subjects remained one hundred seconds at the maximum above 10,000 meters. The gas bubbles in these pictures therefore show, with the probability that borders on certainty, that these deaths could not have occurred in experiments for rescue from high altitude.

Q. And you conclude, Dr. Huff, that these films which were found among Dr. Mascher's papers and which were taken into document book #2, have nothing to do with your experiments?

A. That is correct.

Q. Well, then the chamber was returned to Berlin. Who gave the order for this - you or Dr. Hippke?

4. I had told Rosenberg to see it that we got the chamber out of the camp and then I had men sent down to load it. For the return transport, as well as for the transport down there, Hippke gave his approval.

Q. Now, Dr. Ruff, as we now know, on the 5th of April, 1942, Dr. Rascher wrote to Reichsfuehrer SS Himmler. He sent him an intermediate report - a secret report which you and Dr. Rosenberg did not sign. This is Document 1971a - PS, Exhibit 49 of the prosecution. Now do you explain the fact that, in this report which was made behind your back, the affair with the sixteen dead Russians is not even mentioned by Rascher to a man like Himmler, because you know, Dr. Ruff, this intermediate reports mention other deaths, but these sixteen Russians are not mentioned in this report of Rascher?

A. In this intermediate report Rascher speaks of experiments, and I believe the fact that these sixteen Russians are not mentioned supports the assumption of the medical expert of the prosecution, with which I agree, that these Russians were not the subject of an experiment but were executed, and that it was not mentioned for this reason.

THE PRESIDENT: Counsel, the Tribunal will now be in recess until 9:30 o'clock tomorrow morning.

(A RECESS WAS TAKEN UNTIL 0930 HOURS, "(APRIL 1947)

1947

Official Transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 29 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants are all present in court.

THE MARSHAL: May it please Your Honor, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all defendants in court.

Counsel may proceed.

DR. SIEGFRIED RUFF - Resumed.

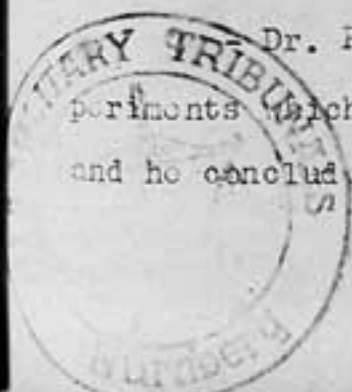
DIRECT EXAMINATION (Continued)

BY DR. FRITZ SAUTER (Counsel for the Defendant Ruff):

Q Dr. Ruff, you are still under oath today. Yesterday, Dr. Ruff, you were speaking of the Dachau high-altitude experiments with which you are charged. Today we come to one final subject, that is the reports on these various Dachau experiments. As we have heard, Dr. Rascher on the 5th of April 1942 sent a secret report to the Reichsfuehrer-SS Himmler -- which is in document book 2, document 1971 .PS, Exhibit No. 49, page 62 in the German and 60 in the English. It was read here in the courtroom. In this report - you remember this, Dr. Ruff?

A Yes.

Dr. Rascher in the first part describes the experiments which he carried out together with Dr. Romberg, and he concludes this with the sentence, and I quote:



"All the experimental subjects recovered after a certain time at 8 Kilometers and regained their consciousness and the normal functions of their senses." In order to avoid confusion, that refers to the experiments that were conducted together with Romberg. In the second part of the report Dr. Rascher describes the experiments which he performed alone and he writes, I quote: "Only continuous experiments above ten and a half kilometers were fatal. The third experiment of this type was so unusual that - since I carried out these experiments by myself, that is, without Romberg - I called in an SS doctor of the camp. This was a continuous experiment without oxygen at a height of 12 kilometers on a 37 year old Jew."

Dr. Ruff, this secret report of Dr. Rascher alone seems to be of special significance, therefore, I should like to ask you when did you learn of this secret report of Dr. Rascher for the first time? This is the secret report of the 5th of April 1942 which is signed by Rascher alone.

A I saw this report for the first time when it was submitted by the prosecution here in the courtroom.

Q Dr. Ruff, did you receive knowledge of these experiments of Dr. Rascher concerning which he writes that he carried them out alone, that is, without Romberg, and when he called in an SS doctor as a witness for a third experiment? When did you learn of these experiments?

A At the same time when this report was submitted here in the courtroom. In the preliminary interrogations I also did not hear anything about these experiments.

Q Witness, according to your expert opinion, these experiments which Dr. Rascher carried out alone and which led to fatal results, did they have anything to do with

your own experiments, that is, with the experiments which you approved which were included in the working program for Dr. Romberg and which alone you desired in the interest of aviation?

A. These experiments have nothing to do with the experiments for rescue from high-altitude, they have no connection with them.

Q. Dr. Ruff, do you know whether this secret report, or interim report, by Dr. Rascher of the 5th of April 1942 was received by the Luftwaffe, especially the Chief of the Medical Inspectorate for the Luftwaffe, Professor Hippke? Did he talk to you about it, or do you know anything else about it?

A. I do not know that any Luftwaffe agency ever received this report. Hippke in particular never talked to me about such experiments or about such a report. I should think that if Hippke had received such a report he would no doubt have said something to me about it, since he knew that at the time when Rascher was carrying out these experiments in Dachau we, that is Romberg in this case, at the same time carried out the experiments for rescue from high altitude. I would assume that if Hippke had received such a report I would have heard something about it.

Q. Then I have a final question concerning Rascher's secret report. Dr. Ruff, yesterday we discussed the fact that Dr. Rascher once in the evening called for 16 Russians, that he did something with these 16 Russians - we don't know what it was - and that on the next morning these 16 Russians were dead, all of them. Yesterday you told us that in that case there could have been no question of any medical or any other type of experiment. You recall saying that?

A. Yes.

Q. Now, it is noticeable that in this secret report which Rascher sent to Himmler fatal experiments are mentioned, that is, experiments which Rascher carried out alone, but that he does not mention this affair with the 16 Russians at all. Can you give us any explanation for this? How could this be explained in your opinion?

A. It is difficult to say why Rascher did not report these deaths of these Russians, but I imagine that this confirms the opinion of the prosecution's medical expert which completely agrees with mine, that in the case of these Russians it was not an experiment but an execution. Otherwise, I do not see any reason why Rascher in his report to Himmler, in which he was constantly reporting deaths, failed to report these deaths.

Q. Witness, I shall then leave this secret report from Dr. Rascher to Himmler, and I ask you, was a report also made about the experiments which were made with your approval and with your knowledge, of which you have knowledge?

A. Of course, we reported on these experiments which were performed by Romberg in Dachau with my approval and sanction. We made up a very detailed report. Romberg and Rascher drew up this report together. This is the report of the 28th of July 1942 which is in document book 2, document 402. This report was sent to my superior agency in aviation medicine, that is Hippke, through Himmler and Milch, and at least five or six copies and probably even more, went to a number of agencies of the Aviation Ministry and Aviation Industry which needed these results for the construction of rescue equipment.

and in the construction of planes. It was the purpose of these experiments to create material for rescue from high altitudes and consequently the results had to be made available to the agencies which needed the information.

Q This report is written on a sheet of paper headed "German Experimental Institute for Aviation". It is signed by Dr. Romborg, Ruff, and Rascher, isn't it?

A Yes.

Q How did it happen that you also signed this report although you were present on only one day at the experiments, that is only at a relatively small part of the experiments, and although you consequently could say nothing from your own observation about the majority of the experiments?

A It is customary in such scientific reports that the head of the Institute countersigns the report which is drawn up by the persons who actually performed the work. The head of the Institute thus assumes co-responsibility for the conclusions drawn from the results of the experiments. For the head of the Institute is responsible to superior agencies, or in general scientific life, to other scientists, that with his name he confirms the scientific accuracy of his associates, who, it is possible, no one in the scientific world or among superiors may know, he takes the responsibility for it.

Q Is that the general custom in such scientific work?

A It is customary in such a report that the head of the Institute countersigns. In publications that is done by putting a head over the work "From the Institute So and So - head Dr. So and So". By putting this head above the report the head of the Institute assumes co-responsibility for the scientific contents.

Q This report, which I may perhaps call the official report, was sent to a number of offices and persons who were interested you said. Who sent it out? Did you do that yourself or did you have it done?

A As far as I can recall we sent three copies to Hitler at his request. One copy is here in the Document Book with the accompanying letter. The other reports, on the basis of a distribution list set up by the Aviation Ministry, were sent to offices of the Aviation Ministry and people in industry. They were sent out by the office that had

mimeographed the report, that was the Central Office for Scientific Reports in the Research Administration of the Aviation Ministry.

Q You said that the report was sent to Himmler, among other people, and if I am not mistaken it was addressed to the Reichsfuehrer-SS.

A Yes.

Q Dr. Ruff, did you also report to Himmler orally about the Dachau experiments?

A My associate Rombert, together with Rascher, reported to Himmler orally. I believe that was in July 1942. On some day in July Rombert called me up and told me that Rascher was in Berlin, and had told him that Himmler had ordered an oral report. That was between four and five in the afternoon when I received the call and in the evening at eight the two gentlemen already had to go to the Fuehrer's Headquarters by special train. As the Prosecution's document show Rascher made this report. We did not initiate it.

Q Dr. Ruff, we know from the documents which have been submitted by the Prosecution, that on the 11 September 1942 a film was shown in the Reich Aviation Ministry dealing with the Dachau high altitude experiments. The lecture which was intended at the same time from Field Marshal Milch was not made, as we heard, because Milch did not appear. The details are shown from the Document in Document Book II, No. 1610-18, Exhibit 73. Were you present at the showing of this film at the Reich Aviation Ministry, and what did you hear and see?

A I was not present at the showing of this film. As the documents show, this film showing had been arranged at Rascher's suggestion by Himmler with Milch and quite a number of people from Milch's office had been invited, but I was not among them.

Q In your official report, which you also signed which was drawn up by Rombert and Rascher, there is no mention of any fatal results of any experiments in Dachau. Now, we note the following, Dr. Ruff: When this report was drawn up and sent out you doubtless already were aware that, I believe, three deaths had occurred. The report says nothing about

that. How can you explain this, and why, when you signed this report, did you not object?

A I knew that these deaths had not occurred in the experiments for rescue from high altitudes but in other experiments which Rascher carried out on orders from Hummler. There was hence no occasion to mention these deaths in this report.

Q Then, if I understand you correctly, the official report which you also signed was to be merely a scientific presentation and evaluation of the experiments which had been approved by you and in which Romberg had participated. On the other hand, the independent experiments which Rascher carried out secretly were none of your business and consequently had nothing to do with your scientific paper. Therefore, these three deaths were not mentioned. Did I understand you correctly?

A Yes, that is correct. I was not supposed to know anything about the deaths which had occurred in Rascher's experiments as far as Rascher was concerned. Because of the fact that Romberg had told me about these deaths, he had violated his obligation to secrecy to which he signed his name before entering the concentration camp.

Q Now, witness, let us assume that on the basis of Dr. Romberg's report, and perhaps after consultation with Rascher, and on the basis of your knowledge of all these circumstances, you had come to the conclusion that these three deaths had occurred during your own experiments, that is, during the official experiments in which Dr. Romberg participated and of which you had knowledge. If you had come to this conclusion what would you have done? Would these three deaths have been omitted in your official report, or would you have seen to it that they were mentioned if that had not been done up to that time? This is only a hypothetical question.

A It is a matter of course that in such a case the deaths would have been mentioned. Yesterday I spoke briefly about the experiences of American scientists with experiments at 12000 meters. These men, also were afraid - which an honest scientist must not be - to report these

incidents and accidents.

Q Do you believe, Dr. Ruff, that if these three deaths had been mentioned, let us say, that you would have had any official difficulties, that reproaches would have been made, or that you would have been called to account?

A. Of course, if those deaths had been listed or had had to be listed because they had occurred during the experiments, I would have had to explain the reasons for the deaths as far as possible, but I would have had to list them no matter whether I would have gotten into difficulties or not. But I do not believe there would have been any difficulty because our superior agencies knew both Rosenberg and myself and knew that such deaths could not have occurred because of negligence or deliberately.

Q. Dr. Ruff, you are acquainted with those times by experiences. You know Dr. Rascher personally. You can, therefore, form some judgment of him, and you heard of his close relationship with Himmler. Do you believe, on the basis of your knowledge of conditions, that Dr. Rascher was pursuing any definite aim by failing to mention those three deaths in the official report of the 28th of July, which you also signed, or do you believe that Dr. Rascher could have said that in a report to Himmler if it had had anything to do with the experiments?

A. From the interim reports to Himmler which we have here it is quite clear that Rascher had no occasion to keep any deaths secret from Himmler. If deaths had occurred in our experiments, Rascher would have had no reason to urge that they be omitted from the report. The report was first sent to Himmler for release, and, therefore, there was no occasion to conceal the deaths.

Q. Dr. Ruff, you were always a serious and conscientious research worker in the field of aviation medicine. You have told us that your Dachau experiments were in the interest of technical progress in the field of aviation. They were to clear up the question "in what way can one rescue aviators from great altitudes in cases of accidents?"

That was the problem which you were to solve. Now, if deaths had occurred in your own experiments, and if these deaths had been concealed in your own report, must one not say that an incomplete and false report would distort the whole problem of the development of rescue apparatus and would have led it into quite wrong channels; that you, as the scientist responsible would have influenced technical developments in a totally wrong manner?

A. Of course, if as a scientist, I had been willing to conceal deaths which actually occurred - that is, make a false report - I would have violated the most primitive principle of the research worker that is, the one that he must report the results of his experiments correctly and honestly. One forgives any scientist for drawing false conclusions from his results, but one never forgives a scientist if, in his work, he misrepresents his results and would have been what this would have amounted to. Moreover, the concealing of deaths would, of course, have affected the whole technical development of rescue apparatus. It would have directed it into false channels. With this report we assumed the responsibility. We said that to a height of 20 kilometers rescue by parachute is possible under certain circumstances. If death had occurred, such a rescue would not be possible or, at least, would not be definitely possible. For this reason alone, it was impossible for us to be able or be allowed to conceal deaths.

Q. Dr. Ruff, in your report, you drew certain conclusions from the results in order to show, in this way, what technical science and aviation can learn for the future from this report. These conclusions are under #4, in the report which I have just read. In these conclusions you

deal with the problem of cold. That is the problem which is added to the problem of altitude and also had to be investigated and solved. For this cold problem I now refer you, Dr. Ruff, to the letter which the Inspector of the Medical Service of the Luftwaffe, Professor Hippke, sent to Himmler with the date of the 10th of October, 1942, after the Dachau altitude experiments were finished. It is in Document Book 2 of the prosecution, #289, and it says: - I quote in order to recall this sentence to your memory because every word is important here:

"The Dachau high altitude experiments are for us a very valuable and important addition to our knowledge. The fact that an altitude with so little oxygen can be endured at all for some time is most encouraging for future research."

Then comes another sentence, and Hippke writes:

"It is true that no conclusions as to the practice of parachuting can be drawn for the time being as a very important factor, that is cold, has so far not yet been taken into consideration. It places an extraordinary excess burden on the entire body and its vital movements so that the result in actual practice will very likely prove be far more unfavorable than in the present experiments."

And later comes the sentence:

"In the meantime, the supplementary tasks required now..", that is apparently on the cold problem, " .. have been begun."

Now, Dr. Ruff, as a layman, I can not judge the significance of this cold problem in connection with the high altitude experiments and how it was solved. Perhaps you can explain to us what the practical value of your Dachau

high altitude experiments was for the needs of aviation. That is, the practical value, although the problem of the effects of cold had not yet been solved.

A. Hippke is right in his letter. In the effects of altitude on the human organism, various factors play a role. Not only the reduction of pressure in general; not only the reduction of oxygen; but also cold. In the altitudes in which our experiments took place, here in Central Europe we have an average annual temperature of about minus 55 degrees - 55 below zero. This cold has to be considered in some way, but is the advantage of high altitude experiments in the low pressure chamber that the individual factors of the effects of altitude can be separated. That is, one always tests the effects of the lack of oxygen or the effects of the lack of oxygen and the lowered pressure, and when one knows the effects of these factors, then one can go on to test the third factor - that is, cold. In other branches of medicine one does not, for example, if one wants to study what happens if a human being has malaria and cholera at the same time - I don't know whether that is possible - then one does not infect him at the same time with cholera and malaria, but first, with malaria, and then, if he has survived that, with cholera, in order to study the individual effects first, and then one would infect him with a combination of malaria and cholera. I emphasize that that is a hypothetical case. And so it is here in the high altitude experiments. One examines the effect of the lowered air pressure first. Then one adds cold when one knows the first effects. That is what we did. After the end of the Dachau experiments, we continued the parachute experiments in our institute, adding the factor of cold. One sentence about the results. The cold air had no effects

on the results. The results were exactly the same as without the cold.

Q Dr. Ruff, your low pressure chamber, as you told us yesterday, came back to Berlin in May. On the 2nd of June it was unloaded there. Now, I should like to know - did you, in Berlin, to solve this problem - the effect of cold - perform any further experiments and did you make a report on these experiments which had nothing to do with the ones mentioned here?

A I have already said that we performed extensive experiments with cold. As is customary, a report was issued about these experiments too.

Q Do you have this report or was this report shown to you in your interrogations?

A No, it was not shown to me, but I have it in my possession.

Q. Dr. Ruff, I see your official report of July 1942; I will ask you one more question. In this report experiments on themselves by the two persons in charge, Rascher and Romberg, are described, and considerable pain is described which Rascher and Romberg had to suffer in the experiments which they performed on themselves. I recall that the Prosecutor at one time read this passage from the report and drew the conclusion that in the case of the experimental subjects, that is the outsiders, torture had occurred. That in other words, these outside experimental subjects, whether they were volunteers or not suffered exactly the same, almost unbearable pain, as Romberg and Rascher when they experimented on themselves. Now, you, Dr. Ruff, told us yesterday that in so called altitude sickness there is no pain at all; there is unconsciousness, one is not aware of becoming unconscious; later one does not know that one was unconscious, and most experimental subjects have no idea that the experiment has been performed. That is how little they feel of the experiment. That is your description, I believe.

A. Yes, that is right.

Q. Now, will you please tell us how do you explain this contradiction; on the one hand Rascher and Romberg suffered such terrible pain in the experiments on themselves; on the other hand you tell us experimental subjects in altitude sickness feel practically nothing.

A. What I said yesterday or Friday is true, that in altitude sickness there is practically no pain; altitude sickness begins unnoticed by the person concerned. He feels nothing. In the two self-experiments which I reported here this is something quite different, Rascher and Romberg were at an altitude between 12,000 and 13,500 meters. They were breathing oxygen and did not suffer from altitude sickness. They were completely conscious, because I said when breathing pure oxygen the feeling of the human being, that is the altitude up to which he is completely capable of action, is between 12,000 and 13,500 meters. In the altitude between 10,000 and 13,500 meters, approximately, it is possible that in these people who are completely conscious there is

pain, these so-called bense. This is the result of the fact that through the general lowering of the pressure within the tissues of the organism nitrogen is released. This nitrogen collects within the tissue in tiny bubbles. It extends the tissues and thus causes pain. This pain may be completely harmless, just about the same as barely perceptible rheumatic pain. It can be similar to a strong rheumatic pain, but again as in these two cases it may be quite extensive. But to cause this pain it is again necessary that the persons concerned remain at this altitude for a considerable time. In these experiments of Rosenberg and Rascher on themselves, which are described in this report, Rosenberg was at 12,000 meters for 30 minutes in one case, before the pain started, in the second case he was at 13,000 meters for 40 minutes. In the case of Rascher there was much less pain, the time was so much shorter. This bense time for their development requires considerable time. Yesterday I pointed out several times that in German aviation, as well as in the United States Air Force, for example, the groups which have to fly at high altitudes are for training purposes kept at 12,000 meters for some time. They are to become acquainted with these complaints at this altitude and they are explained the cause, they are shown or told that by going down to 8,000 meters say the pain can generally be done away with. In these training tests, therefore, it is necessary to keep the groups up there for some time, simply for the reason that the bense does not occur until after some time. Another point, did Rosenberg and Rascher carry out these experiments which actually had nothing to do with the experiments for rescue from high altitude. It is customary for all high altitude experiments in the low pressure chamber that the person in charge of the experiment or some other doctor goes into the low pressure chamber with the subject and watches the subject during the experiments, that is possible only to a height of 13,500 meters. Higher than that the experimental subject and the doctor are subject to the same effects, and therefore there would be no purpose in taking a doctor up to that altitude. Now, Rosenberg and Rascher performed such

experiments several times a day between 10,000 and 13,500 meters, and were in the chamber with several different experimental subjects, and now it was discovered that in the first experiment and every day the doctor had no pain. In the second experiment in the same day, he had a certain amount of bonse and if he performed a **third** experiment on the same day then he might suffer severely. Now, in order to determine the cause of it, whether the time which was spent at the high altitude is cumulative in its effect or whether the number of flights is the cause, these self-experiments showed that actually only the time, the amount of time spent at that altitude is important. The experimental subjects themselves did not suffer such pain for two reasons: First of all they were never at such an altitude so long, and in the second place even if they had been there that long they had altitude sickness and did not therefore register any pain.

Q. Dr. Ruff, in order to avoid a confusion about another point in your report, I should like to clear up the following: in your official report on 26 July which you signed, in the experimental subjects you mentioned cramps which were observed; I understood correctly, Dr. Ruff, did I not, I interpret the report correctly, if I assume these were cramps which occurred during the so-called altitude sickness, it is when the persons were unconscious and when the experimental subject feels nothing either during the time or afterwards, if I understood correctly?

A. Yes, that is correct. I said yesterday that these cramps, as in the case of epilepsy and the cramps caused from therapeutic purposes, these always occur while the person is unconscious, that he is never aware of them and never feels them.

DR. SAUTER: Mr. President, in Document Book 2 there are a number of pictures of an experimental subject apparently suffering from altitude sickness, and the Prosecutor said more or less something to this effect, one can merely look at these pictures, then if a layman can see what terrible pain these people must have suffered. Appearances are deceptive in this case, and I take the liberty of submitting a book, the original

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which the defendant Dr. Ruff, and a witness who submitted an affidavit, Professor Strughold, wrote, with pictures on page 144. I should like to hand this book up to you. Would you please look at it, and then I shall tell you why I am showing you this book.

THE PRESIDENT: Counsel, has counsel for the Prosecution seen this book?

DR. SAUTER: I am about to give him the book, Your Honor.

DR. SAUTER: Gentlemen; if one looks at these pictures one has the impression that it must be terrible pain, which these people are suffering; one may even have the impression that these are experiments where the experimental subjects are enduring such terrible things that they are about to die. In reality, any aviation expert will tell you that the experimental subject picture here felt nothing at all in these experiments. That is something that we as lay-men cannot understand, but it is so. Look at the last picture, gentlemen, you will see at the left the Defendant Romberg in his normal condition and on the right you will see him in a plane at very high speed completely distorted; he almost looks dead. If, as a lay-man, one looks at the picture one says to oneself the face of Romberg is so distorted that it can never become a normal face again. Nevertheless the men felt nothing in the experiments and the girl, who was also in the picture, who was also so terribly distorted momentarily during the experiments, she did not feel anything either. When the Defendant Romberg is on the witness stand and has taken the oath, he can state under oath whether he felt anything during these experiments or not.

Gentlemen, I am showing you this book and have shown it to the Prosecution also because it is a practical example to show how easily an experienced lay-man can be mistaken on the basis of such pictures. Perhaps in this connection I can ask Dr. Ruff, who also participated in such experiments as an experimental subject.

Dr. Ruff, I discussed these pictures with you the other day; can you tell us as an expert that these experimental subjects suffered no pain worth mentioning

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during the experiments, although they look so terrible in the pictures?

A. That is true up to the speeds described here, up to 465 kilometers per hour there is no pain worth mentioning. It must be emphasized of course that these people are completely conscious.

A. Dr. Ruff, perhaps you can also tell the Tribunal how these pictures were taken very briefly?

A. They were taken while a plane was in a power dive. The person was looking over the roof of the cabin and the pictures were taken; that is the person was in the complete stream of air.

A. Dr. Ruff, now I come to the conclusion of the Dechou experiments; I have a few minor questions to ask you.

MR. HARDY: May it please Your Honor, these pictures which are offered in evidence in this book refer to a speed test and as far as I can make out have no connection with high altitude experiments.

DR. SAUTER: Mr. President, the Prosecutor is protesting against something that was never claimed. I did not say that these experiments had anything to do with the Dechou high altitude experiments. I submitted the book merely to show you that experiments can be deceptive. As a lay-man, one can assume that someone is in terrible pain but in reality it is harmless. It was for this purpose that I submitted these pictures.

THE PRESIDENT: I did not understand that counsel for the defendant offered the book in evidence.

MR. HARDY: It was my understanding he had from the records of the defense counsel. I object to the book as being immaterial.

THE PRESIDENT: Counsel, did you offer this book in evidence or merely using it to illustrate the testimony of the witness?

DR. SAUTER: Only for the latter purpose, only to be able to show it to the witness.

BY DR. SAUTER:

A. Dr. Ruff, you signed an affidavit, I believe it was in October of 1946, Document No. 437, Prosecution Exhibit No. 42, this is in Document Book 2 on page 46. There is a sentence in there, which was read to you by the Prosecutor and it reads: "Personally, I would consider these experiments during war-time as immoral." With respect to this sentence, on the 10th of December here, the Prosecutor said that in his opinion it was quite unusual that you, Dr. Ruff, positively say in your affidavit that you do not consider these experiments immoral, especially in war time. Now, I should like to know what did you mean by this sentence so that a wrong conclusion is not drawn from it?

A. When the Prosecutor showed me this affidavit, which they had formulated, the final sentence was that I considered these experiments permissible in war-time, but that in peace-time I would declare them specifically criminal or immoral. I refused to sign this sentence and a discussion followed, lasting more than an hour. The sentence was changed repeatedly and I repeatedly refused to sign. Finally, I declared myself willing to sign this formulation. That is how this sentence came about. That I wrote in this sentence was my opinion at the time and is so even today. This sentence refers exclusively to the experiments, which were performed at Dresden with my knowledge and approval because the interrogation

before the affidavit was written. Even today, I am of the opinion that I can stand up on this opinion. When I signed this sentence, I was acting on the assumption that they were important experiments, that the experiments were performed on professional criminals, who had volunteered and that after surviving the experiments, these criminals would be given certain advantages. I assumed that as far as my judgment could decide that these experiments were not dangerous and that was the basis for the sentence. Even today I can see nothing immoral in that. At the time the experiments were carried out, we were involved in a very serious war throughout Germany, day after day and night after night, men, women and children and to expect to be killed and possibly by the terrible method of burning to death and millions of people had to give up their lives at the front. Neither then nor now can I see anything immoral in using a professional criminal who volunteers for such experiments.

Q. Dr. Ruff, if the experiments which you approved, that is experiments to rescue plane crews from high altitude, were properly prepared and properly carried out, do you believe that three deaths or five deaths would be possible?

A. No, that would have been quite impossible. It is, of course, not entirely impossible that one death could have occurred by an unfortunate accident or a special circumstance, but with this one death the experiments would have come to an end, because this one death would have shown that from the height they were taking place, one could not count on certain rescue by parachute.

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Q. Dr. Ruff, we know from the proceedings so far that after the chamber was returned to Berlin, Rascher, Wolff, even Himmler personally and also Sievers were at great pains to get the chamber back to Dachau, but this was frustrated by the Luftwaffe; did you have anything to do with this; what was your attitude toward this demand of the SS?

A. Yesterday I described briefly that I saw two letters from Wolff. The first was a telegram in May. The second was a letter from Wolff dated the beginning of June. In both cases Hipke agreed with me that Rascher was not to get the low pressure chamber back to Dachau. Of the later letters which are in the documents here I know nothing. Only a few months later I heard from Romberg that Sievers had called him up and had asked him whether he intended to perform new experiments with Rascher at Dachau. He, Sievers, had given the assignment to obtain and buy a mobile low pressure chamber for the SS. I reported this fact to the medical Inspectorate, to Dr. Recker-Freyseng

I called his attention to this point and told him that I considered it superfluous for Dr. Rascher, who was still on the Luftwaffe then; even if he was to be assigned elsewhere, he should have his own low pressure chamber. My attitude toward Dr. Rascher's experiments -- and this led to the withdrawal of the chamber and the refusal to grant further experiments--was that I did not see any important, urgent reason to carry out experiments in which deaths could or had to occur. In addition to this attitude towards Rascher's experiments, there was another factor for me personally, which caused me not to collaborate with Rascher at all any more and not to carry out experiments in a concentration camp at all.

That was because of the minor things, above all the fact that during the experiments in the concentration camps one was completely in the hands of the camp commandants, Rascher or Himmler; that one had to subordinate oneself to these people; and that there was painful secrecy, no doubt at the instigation of Rascher, who wanted with this secrecy to avoid any results of these experiments turning up without his name being mentioned. On the one hand, he and Himmler demanded strict secrecy; and, on the other hand, he tried to have these results published. Later I also learned from Rascher that he had sent his own father to a concentration camp, or, rather, that he boasted about the fact that he had sent his own father to a concentration

camp. This showed me that this man had qualities of a character which made it impossible for me to work with him at all.

Q. Then, Ruff, you saw to it that Rascher was not able to experiment with the low pressure chamber at all any more and for this purpose through the co-defendant Becker-Freyseng you confiscated all production in this field for the Luftwaffe? Is that true?

A. No, that is not quite true. I was not able to do that. I was able only to warn the Medical Inspectorate and give the suggestion to Becker-Freyseng.

Q. But Becker-Freyseng did confiscate all the production for this purpose in order to frustrate Rascher; is that true?

A. Yes.

Q. Now, witness, the witness Neff, whom we have mentioned several times, on the 18th of December stated here that approximately 180 to 200 prisoners had been used for the high altitude experiments, and about 70 to 80 of them had died. Neff did not make a distinction and was not able to make a distinction between the orderly experiments in which Rosenberg participated and the independent experiments of Rascher of which you knew nothing. Now, I ask you, when did you learn for the first time that 180 to 200 prisoners were used and that no less than 70 or 80 lost their lives? You said yesterday that only about twelve prisoners, between ten and fifteen, and always the same people, were used?

A. I heard these numbers for the first time here during the trial. During the interrogations I did not hear these figures.

Q. Dr. Ruff, you told us that you were told that these people were volunteers. Now, let us take the case that someone, Rosenberg or Rascher or Neff or the camp commandant, told you, "We don't have any volunteers. They are simply assigned," what would you have done then when you knew nothing about this trial? What attitude would you have taken then?

A. Then as well as today I would have refused to accept these prisoners. I would have had to refuse them. I have said yesterday that in our experiments for rescue from high altitude we were dependent on the active cooperation of the experimental subjects. The experimental subjects had to be interested in the experiments; otherwise, it was impossible to carry out the experiments properly. Even under the conditions prevailing at the time under the power of the commandant or Himmler I would have been able to refuse these experiments without any personal danger to myself by saying, "We cannot use involuntary subjects. It may be all very well from the legal point of view, but for these experiments we cannot use anyone except volunteers. These experiments can be performed only on volunteers." That would have been my point of view at that time; and I still hold this same position today.

Q. Dr. Ruff, you told us yesterday that Dr. Romberg had had a definite program to clarify an important question for the Luftwaffe and that he had gone to Dachau with this program. Your report of the 26th of July 1942, the official report, which we discussed before, does it show that the Dachau, experiments, that is, the experiments which you approved, were actually limited to the necessary experiments, that is, the experiments which were necessary to clarify this problem for the Luftwaffe?

A. That is expressly mentioned several times in the report. On page 2 of the report it says, I quote: "I had to dispense with detailed clarification of purely scientific questions for the time being." On page 15 it says, I quote: "Since the slow sinking experiments without oxygen had reached the limit apparently, sinking experiments were carried out from higher altitudes with oxygen." On page 16 it says, I quote: "Sinking experiments with even higher altitudes were not performed, since in practice there is no necessity to use the open parachute at such altitudes and expose oneself to the danger of freezing."

On the same page, in the next paragraph, it says, I quote:
"Three falling experiments were begun at 14,000 meters in order to avoid having too large a number of experiments." On page 20 it says, "Experiments with explosive decompression without previous oxygen respiration were not carried out because we were working on the assumption that in combat the enemy pressure cabin planes can fly with an eight kilometer atmosphere." These quotations, I believe, show that the experiments were limited to what was absolutely necessary.

Q. Witness, Hoff told us that in an alleged high altitude experiment one experimental subject died and that then at 10,000 meters within the chamber an autopsy was performed. When did you first learn of this case?

A. I heard of this for the first time when Hoff said that on the witness stand.

THE PRESIDENT: Counsel, the Tribunal will now be in recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

Q Dr. Ruff, we shall be finished in two or three minutes with the direct examination. We have only a few questions yet to put. Aside from the high altitude experiments with the low pressure chamber Dr. Rascher carried out numerous other experiments, for example the freezing experiments, the low temperature experiments, etc., which lead to many deaths or to severe damage to the subject's health; when and how did you hear of Dr. Rascher's further experiments?

A I knew only of low temperature experiments. I was at the freezing conference which has frequently been mentioned here in Nurnberg, and heard there Professor Holzlochner's report. When hearing this report I did not have the impression that Dr. Holzlochner had had fatalities in his experiments. The preparation was such that one would certainly think when he was speaking of fatalities he was speaking of Seenot fatalities. It was known that Holzlochner had previously had a station to alleviate sea distress in the North Sea, and that he had complete experience about sea distress there. On this occasion I heard of low temperature experiments being carried out, that Himmler had told Rascher to carry out freezing experiments was known to me previously because when Rascher and Romberg reported to Himmler, Himmler mentioned this order to Rascher in some way and asked Romberg to participate in the experiments. At that time Romberg refused to do so on the grounds that he was not a specialist in this field. The Institute had never concerned itself with sea distress problems, and when he returned from this report to Himmler Romberg told me about this and asked me in case a request should be directed to the Institute that Romberg should participate in these experiments, -- I should help him to avoid participating in them. However, such a request never came. Otherwise, I never heard of any other experiment of Rascher either before or after that.

Q At the freezing conference in 27 October 1942 you were present?

A Yes, this was an Aviation Medicine Conference. There were several such, and even if the field under discussion there was not specifically

our field, nevertheless, we were asked to attend these conferences, and if we had time to we participated in them.

Q In other words, you were there only as an auditor?

A Yes.

Q Because you were ordered to do so?

A Yes.

Q Dr. Ruff, you are also charged with conspiracy, in other words, conspiracy with all the other defendants, and those you were made co-responsible for everything that the other members did; for this reason it would interest me to know what relationship you had with the other members in the dock, and what relationship did you have with the experiments carried out by the doctors?

A Before I came to Nurnberg I knew of the co-defendants personally only Professor Schroeder; Professor Rose very slightly, we had seen each other once or twice; Dr. Romberg, of course; Dr. Becker Freysen, Professor Woltz and Dr. Schaeffer. I met Dr. Schaeffer in 1945. I knew by name Professor Brandt, Professor Handloser and Professor Rostock, also Professor Gebhardt and Sievers, and otherwise no one. The others I know neither personally or by name. I had professional relationships only with Professor Schroeder, Dr. Romberg, Dr. Becker Freysen and Professor Woltz. Regarding experiments that are here under consideration, and on account of which the other defendants are accused, I heard here in Nurnberg as I have already said, only the freezing experiments, and in 1945 or the beginning of 1946 when I saw a report I had occasion also to find out about the drinking water experiments. It is of course to be understood that I may have heard something at the end of the war to the effect that experiments were being carried out to make sea water potable, but I cannot recall that, however, only of the experiments I heard of at the end of 1945 or the beginning of 1946.

Q Dr. Ruff, since you are speaking now of the drinking water experiments, I should like to direct your attention to what has been put in evidence in this case, namely the minutes of a meeting on the 19 of May

1944 in Document Book 5, exhibit 133, Document 177, these are minutes of a meeting in the Reich Air Ministry. The Technical Office there from the rest of the distributors, it shows that a copy of these minutes was sent to your Institute, at least it is so stated, and under the list of those to whom the minutes were to be sent the Institute for Aviation Medicine, DVL, Berlin Adlershof, is mentioned. A representative of your Institute was not present at the conference of 19 May 1944, that is to be seen from the list of those present. However, among those present under No. 14, Unterarzt Dr. Schaeffer is mentioned. However, he did not belong to your institute, but to the so-called Luftfahrtforschungs Institute of the Reich Air Ministry, in other words, the Institute which Professor Strughold was in charge of, but Professor Strughold's Institute is not among these to whom the report is distributed, although a professor from that institute was present. Now, I shall be interested to know whether in 1944, at any rate before the end of the War, you saw these minutes of May 1944; were they brought to your official attention?

A I cannot recall this document, and I believe I should remember it had been brought to my attention. Moreover I can't quite see why this report, these minutes should have been sent to me, because as I said before our Institute never concerned itself with any of the questions involved in sea distress, in other words, they did not concern themselves with making sea water potable.

Q Did Professor Strughold's Institute concern itself with that?

A Yes, they did, yes.

Q Did you not assume, Dr. Ruff, that the name of your Institute was included by accident in the name of those to which these minutes were distributed, because your Institute is almost identical in name to Professor Strughold's Institute?

A I consider that possible, but I do not know.

Q Dr. Ruff, in the course of the trial we have heard of numerous medical conferences, for example the regular conferences of the consulting physicians of the Wehrmacht meeting in St. Johann, Tyrol, Berlin,

Hohlychen, and so forth; did you yourself take part in such conferences, or was your institute represented there?

A I never took part in the conferences of the Consulting Physicians, since I was not the consulting physician of any branch of the army. My co-workers also did not take part in any such conference, and I did not receive the reports from them.

Q Dr. Ruff, you knew of the experiments in Dachau, I should like to know now did you otherwise in a concentration camp or a prison or penitentiary, carry out experiments with prisoners or participate in such experiments?

A Neither before or after the Dachau experiments did I carry out experiments in a concentration camp or a prison or penitentiary.

DR. SAUTER: No more questions in the direct examination.

THE PRESIDENT: Do any of the defense counsel desire to propound questions to this witness?

DR. WILLE: Dr. Wille for Wetz.

BY DR. WILLE:

Q Dr. Ruff, let me ask a few questions. To compare, Professor Wetz, let me ask first of all that I gathered from your direct examination that you had known Professor Wetz possibly for a long time, as colleagues you had mutual respect and esteem, and therefore you may be able to state that all your agreements were carried out in this respect also?

A Yes, I have already said that when Professor Wetz made this opinion that experiments be carried out in Dachau I had known him for many years, and that I had no reason to suppose he was proposing any experiments which he considered unethical or about which he had any legal assumptions.

Q In order to clarify this matter, namely the matter of this affidavit, I should like you to describe briefly just what I am talking about here in Document NO-437, page 46, of the German Document Book, page 46 in the Document Book, you said "I believe that Wetz told me in

December he wanted me to carry out experiments in the concentration camp of Dachau; it would be well if specialists in this field would help in these experiments, and for this reason Velts got in touch with me. "That is what you said in this affidavit; now, in your direct examination you explained this statement by saying that the agreement was the result of a conversation that took place in Aldershof Berlin, is that correct?

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A Yes, that is correct. When he visited Berlin, Professor Woltz told me that through Rascher and through Woltz' institute, experiments were to be carried out in Dachau, that Hippke had given his agreement in principle to these experiments months ago, but that these experiments were still in the planning stage since they were not urgent and it was for this reason he suggested that the experiments be carried out in Dachau.

Q Now, I have this further question, which again refers to your affidavit; you also stated that Professor Woltz was informed of the experiments being carried out in Dachau and was orientated regarding that; now his statement could be misunderstood; what exactly did you mean by that?

A That meant that Woltz was informed and orientated about the planning of these experiments, because it was his suggestion that the experiments take place. He had the conference in Munich, we were in Dachau at the same time and discussed the matter with the camp commander; to that extent Woltz was orientated about experiments in Dachau.

Q My next question; was Woltz informed about the carrying out of the experiments?

A I did not speak to Woltz about that.

Q Did you give him a final report?

A No, no report reached him from us.

Q Do you know whether Woltz received such a report from elsewhere?

A Of that I do know nothing.

Q Regarding the high altitude experiments, there is a film in existence; do you know whether Woltz saw that film?

A No, I do not.

Q Can you say whether Woltz knew about the fatalities?

A I cannot say that for sure, of course, but I consider it improbable. I, myself, told him nothing about that.

Q No further questions.

BY DR. TIPS: (Counsel for the Defendant Becker-Freysen.)

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Q Dr. Ruff, how long have you known Becker-Freysong?)-

A Since 1938 or 1939, at that time Dr. Becker-Freysong, was assistant at the Luftfahrt Medizinische Forschungsinstitut of the Air Ministry.

Q Then, when during the war did you enter official relations with him?

A In the course of 1941.

Q On what occasion?

A At the beginning of 1941, I was ordered by Hippke of the Medical Inspectorate, to visit all the low pressure chambers in Germany; there were twenty-five or more of them and then to submit a report of the condition of the low pressure chambers and also to suggest any technical improvements that should be carried out on the low pressure chambers. Then, in connection with the report that the Medical Inspectorate received, Dr. Becker-Freysong was assigned to carry out these technical improvements and it was on this occasion that I resumed official relationship with Becker-Freysong.

Q Dr. Ruff, how long did Becker-Freysong have anything to do with this re-modelling?

A This, I cannot tell you, but it was quite a while at least; more than a year.

Q You say, in other words, that Professor Becker-Freysong from 1941 on had to do with the low pressure chambers; now the mobile low pressure chamber that was used in Dachau, which plays a considerable role in this trial and the Tribunal could perhaps be of the opinion that Becker-Freysong was improving of the use of the chamber in Dachau, particularly because you said in your direct examination that this chamber belonged to the Air Ministry and the Medical Inspectorate had ordered the use of the chamber in Dachau. Can you please tell the Tribunal whether Becker-Freysong had anything to do with the use of the Dachau chamber?

A No, he did not. This was a new chamber, which was sent to us by the delivery firm and we had received orders from the Medical

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Inspectorate to build a few additional pieces of apparatus into the low pressure chamber. For instance the telephone system that corresponds to the one you have in an airplane, also we had to install the oxygen equipment. This was done by us, because we had the specialists available who did it when short of works in our airplanes. In other words, the chamber was not being used in the normal military way and for that reason it was not set up under Becker-Freyseng's supervision.

Q Good. Witness, now in this connection one other question.

In your direct examination by Dr Sauter, you said that you had only spoken to Becker-Freyseng, I suppose at the end of 1942, about the fact that Rascher wanted a low pressure chamber for his future experiments and you said that you saw a necessity for sending such a chamber to Dachau and you said further that you had warned Becker-Freyseng about the SS plane to get a low pressure chamber for yourself, is that what you said?

A Yes.

Q Now will you please tell the Tribunal what Becker-Freyseng said, when you gave him this warning?

A Dr. Becker-Freyseng said he would get in touch with the firm. At first he was of the same mind as I, he said he would get in touch with the firm and see to it that the firm made its entire production available only to the Luftwaffe.

Q This is the firm Zeurtzen?

A Yes.

Q Thank you. Now a further question, Dr. Ruff did you know the so-called Medical Experience reports and when were these reports introduced?

A I knew of them, they were issued monthly by the troop doctors with the flight units and they reported on anything that was interesting from an aviation point of view. When they were first introduced, I cannot say, but roughly it was during the first years of the war.

Q And do you also know who worked on these reports at the Medical Inspectorate?

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A I know that Becker-Freyseng did. I know this because we frequently saw parts of these reports and we received them whenever the reports could help us in solving any of our own problems. For instance, in the case parachute jumps, there had been several fatalities because the electric cord from the ear phones had become lodged around the neck of the person who was dropping and strangled him. We had to clear up the question of how these accidents could be prevented.

Q Could you estimate how many reports there were every month?

A I should say there were from two to three hundred.

Q Thank you. Now a question regarding high altitude experimentation. Dr. Ruff, you received reports on the corrections, you delivered a lecture regarding the results of these high altitude experiments and this report was printed; when was this lecture and when was it published?

A It is true that I delivered such a report in the Academy for Air Research, not directly about these experiments but about the general question of the possibility of saving people from high altitude, but in this lecture the results of the Dachau experiments were also discussed and evaluated, that must have been in late autumn or early winter of 1942, or the end of 1942; in other words I do not know the exact date. As you say, it was published, but I do not know the date of that publication either, it certainly appears in "Jahrbuch der Luftfahrtforschung," 1942-1943.

Q Thank you. Now, can you also say whether you mentioned the names of Remberg and Rascher in your lecture?

A Yes, certainly.

Q Do you know whether this report went to the Medical Inspectorate?

A I had to show this lecture to the Medical Inspectorate, before I delivered it, for approval and afterward, of course, special copies of the lecture were sent to the Medical Inspectorate because that always was the practice.

Q Now, in your direct examination, you also mentioned the Nuernberg conference and said about it that there were many such medical aviation

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conferences, I can assume that you, yourself, delivered many lectures at many such conferences not only at Nuernberg?

A Yes.

Q Did the lectures that were delivered at such conferences have to be submitted to the medical inspectorate for approval before they were delivered?

A Since these were conferences on the Medical Inspectorate itself, it was not necessary in this case to submit the entire draft of the lecture for approval before hand, either the medical inspectorate asked: "Can you read a paper on such and such a theme or one applied to deliver a lecture himself, giving the title and general contents, but nothing more than that.

Q Frequently you took part in discussions at such conferences; I assume now the notes on the discussions certainly did not have to be submitted for approval?

A. No, of course not because the discussion took place only after the lecture.

Q. Now, I'd like to discuss a document with you, Dr. Ruff, submitted by the prosecution. This is Document NO-934, Exhibit Number 458. This was submitted during Schroeder's cross examination and is consequently not in a document book. This is a list of the medical research assignments of the OML, Chief of the Medical Services of the Air Force and the research administration of the RDL and OBDL. Dr. Becker-Freysung is mentioned as the person who worked on this. I give the document to you.

I am discussing this with you for the following reason: The Prosecution put the Haagen research assignment before Dr. Schroeder in this report. The report is called "Secret"; and the Prosecution drew conclusions from it that are disadvantageous to Prof. Schroeder and Becker-Freysung. Dr. Becker-Freysung said to me that the list was not only incorrect about this point, the Haagen assignment was not secret, and that you could also find other errors in this document, namely, regarding points which you, Witness, could clarify. Please look at Page 2 of this document, Number II, entitled "Air Medicine", and I write No. 4: "Current evaluation of air accident reports from the medical point of view. (Secret) Research about the effect of under-pressure on the teeth, DVL, Institute for Air Medicine, Dr. Siegmund Ruff." In other words, you are mentioned as the person working on this. You see a sign there, and that sign means that this is an assignment by the Research Center and not by the Medical Inspectorate. Can you please tell us, Witness, whether what is set forth in this list is correct?

A. What is said under Point 4 is certainly wrong. The current evaluation of aero-medical accident reports was something that took place after 1936. It was renewed every year and certainly was an assignment made by the Medical Inspectorate because it is a purely medical matter. Moreover, it is also wrong that this assignment was secret. The semi-annual reports that were made on the basis of this assignment were in part secret, namely, those that contained simply

accident statistics, where every accident was listed, its cause, the number of deaths, number of wounded. Then in the second part the experiences that could be derived from these accidents were listed; and this part was not secret. It was the purpose of this report, which was printed in great numbers, that the contents should be made available to every pilot so that he could know why accidents happened.

Q. Now, Doctor Ruff, there is mention also of the effect of under pressure on the person's teeth.

A. That, too, is something which was not of a medical nature, given by a technical agency.

Q. Did this assignment have anything to do with the current evaluation of air accidents?

A. No. It has nothing to do with this assignment; it was an assignment by itself.

Q. In other words, this entry here is false in its essential points?

A. Yes.

Q. Now, please look at assignments Number 5 and 7 in the same list. Let me quote Number Five: "Experiments on the strains made on physical system and bruising of a pilot in an anti-aircraft Rocket, Top Secret" and again the assignment is issued to you. The little sign that I mentioned before is missing. In other words, this assignment was made by the Medical Inspectorate. Now, is that true?

A. No, that is again erroneous. This is an assignment on the basis of a purely technical development and was assigned by the research leadership of the RLF.

Q. Please take a look at Page 3, Witness. Number 5 is again mentioned here; and here there is a little sign next to it. It is the same assignment; and the little sign means that it was an assignment on the part of the research leadership. In other words, these two are the same assignment; but once it seems to have been an assignment by the Medical Inspectorate and the other time by the

research leadership.

A. Yes, the two assignments agree word for word.

Q. Then again there is again a mistake here?

A. Yes, that is so.

Q. Now, take a look at Number 7. I quote: "The carrying out of shooting-off procedures, statically and in the airplane, with the centrifugal seat and with propulsion by powder. Secret." The little sign is missing. That means that the assignment was supposedly made by the Medical Inspectorate. Is that so?

A. This is certainly also erroneous. This is certainly an assignment on the part of the research leadership; but aside from that mistake, there is another one here. This was certainly not secret, because this must have been an assignment from the year 1944; and the work on centrifugal seats was, as far as I know, never secret, because this was a new rescue instrument, from the use of which you could draw no deductions about anything else concerning technical developments in aviation; and so far as no could not draw deductions from the use of this rescue material about other matters in the air in aviation, they were not designated as secret.

Q. In other words, Witness, you agree with me that in the few assignments that I have read to you here there are numbers of errors which seriously put in question the value of this list as a whole?

A. Yes.

Q. Now, Dr. Ruff, as can be seen from this list, you and your institute received a large number of research assignments from the Medical Inspectorate. How often when you were carrying out these assignments were you checked on by the Medical Inspectorate?

A. In carrying out these assignments we were not checked on at all in general. We frequently had visits from some department chief or other in the Medical Inspectorate; the Medical Inspector himself; and on these occasions we reported how the experiments were coming along, and showed in what form they were being carried out. But we

were not checked on. Rather, we simply submitted a report on the carrying out of the research.

Q. Was it customary in research, Witness, if a research assignment was issued to carry out any sort of checking?

A. Neither with us in aviation nor elsewhere was that customary. Frequently the office that had issued the assignment, and which usually provided the funds for the research, asked for a report at stated intervals on the work being done; but a personal check on the work did not take place. At least I do not know of any such cases.

Q. One last question. Was the way in which you should achieve your results prescribed to you in any way?

A. The way was in general not prescribed. Either the assignment came directly from the Medical Inspectorate or the research leadership; and it sometimes happened that how the experiment was to be carried out was suggested, but certainly it was not prescribed.

Q. Now another last question. So far as I know at the end of the war you worked in the Aerial Medical Center in Heidelberg for the American Air Force, and you worked in conjunction with Becker-Freysung. Can you tell us whether Becker-Freysung between October 1945 — namely, when he was hired — and September 1946, — namely, the time he was imprisoned — carried out dangerous experiments on himself in the Heidelberg Aerial Medical Center and whether he or any of his colleagues suffered any harm because of these experiments?

A. That is correct. Together with a certain Dr. Gauer and myself, Becker-Freysung carried out experiments on himself. These were experiments in which he stayed for a considerable length of time at 12,000 meters altitude. At that time we did not know what results the Americans had achieved in this field; and we had several very unpleasant incidents. One of our colleagues, Dr. Gauer, had a severe discharge in the knee joint, was in the hospital for several weeks and then had to go on crutches for three months. But there were no cases of death.

DR. TIPP: Thank you, no further questions.

BY DR. VORWERK for Romberg:

Q Witness, in your direct examination when you described the course of your career you spoke of the various sorts of experiments. Can you say that Dr. Romberg made experiments to the same extent and in the same way you did?

A Yes, that is so. Dr. Romberg was, as I said, my oldest collaborator and carried out these experiments on

himself as I did.

Q During your direct collaboration with him could you ever say that he didn't seem reliable to work on his own initiative?

A No. On the contrary Remberg distinguished himself in all his experiments by his particular care and particular reliability. With no qualms at all I could let him carry out any experiments as the responsible experimenter. I had no occasion to warn him in any way about anything but he experimented with the greatest of circumspection.

Q In view now of the possibility of giving pain to the experimental subject I should like to know what the nature was of those various experiments that you mentioned yesterday? Which was the one that was the most likely to cause pain?

A I believe that of all the experiments that we ever carried out those were subjectively the most unpleasant, namely

the most painful, concerning research into the effects of cold and oxygen. In these cases, before the real experiment, the subject was subjected to temperatures as low as 40° centigrade below zero for an hour or more. The subjects were lightly clothed. These experiments were, at least to me, the most unpleasant.

Q. You are speaking now of high altitude experiments?

A. Yes.

Q. I was not referring to high altitude experiments, but I was referring to experiments such as you referred to yesterday. Yesterday you listed a whole number of experiments that were not high altitude experiments but which were necessary for research into aviation problems. Now, I want to ask you whether high altitude experiments were more painful than other experiments you carried out?

A. No. In my direct examination I said that the greatest part of the high altitude experiments were completely painless, namely all those in which one experiences high altitude sickness.

Q. Was it necessary that the experiments carried out in Berlin within the framework of your program all had to lead to high altitude sickness?

A. Yes, in all cases there was altitude sickness that lasted for a greater or shorter length of time.

Q. You said that during altitude sickness the experimental subject feels no pain, is that so?

A. Yes. The subject is unconscious and feels no pain.

Q. Is the subject susceptible to pain up to the moment when the sickness occurs, or is it possible that the experimental subject up to that moment is subject to conditions that cause him pain?

A. I described the course that altitude sickness takes, and I said at first that if the oxygen supply is interrupted at a certain altitude, then for a short period of time -- and that period of time depends on how high the subject is -- the experimental subject is fully capable of action. At that moment he is susceptible of feeling pain.

Q. Up to the moment -- please answer this question whether up to the moment when high altitude sickness occurs, the experiments carried out in the framework of your program in Dachau -- could cause pain to the experimental subject?

A. No.

Q. Further, according to what you said one would not feel pain during altitude sickness. Is that true?

A. Yes.

Q. Could the experimental subject suffer pain from the moment of waking up on?

A. After the experimental subject regained consciousness it was possible for him to suffer pain because he was capable of action then.

Q. In the Dachau experiments was there cause for pain to the experimental subject after regaining consciousness?

A. No, but after he regained consciousness and was

descending he could feel pressure on the ear drums.

Q Was there subsequent pain as a result of these experiments?

A No.

Q Do you remember that Dr. Romberg at the beginning of the experiments took an electrocardiogram of each experimental subject, took one also during the experiment, and a third electrocardiogram after the experiments? Did you know that?

A Yes, I knew that, because that was necessary if we wanted to be able to say in the report later that there was no lasting dilatorious effect.

Q These electrocardiograms that were taken three times on each experimental subject which Romberg took with him to Berlin-Adlershof, did you see them?

A Yes.

Q Were you present when they were evaluated?

A As far as I know, I was not.

Q Do you know, from this evaluation that was undertaken, that no lasting harmful effects were observed at that time in the case of the experimental subjects?

A Yes; I did see the results of the final evaluation.

Q Who showed this to you?

A Dr. Romberg.

Q In other words you know even at that time this and didn't find it out here?

A Yes, that is so.

Q Now, regarding the dangerousness of these experiments, am I to believe that the experiments that are the most painful are not also the most dangerous?

A Yes, that is so. You have to distinguish in such experiments between subjective pain and the danger. These

can be two quite different things.

Q From all experiments in your experience that you described yesterday which do you think are the most dangerous?

A I should say that experiments to ascertain the influence of flying with the person lying parallel with the motion of the flight, in which the head is toward the outside, on the centrifugal machine. I should say that is the most dangerous of all.

Q You consider that more dangerous than high altitude experiments?

A In general, yes.

Q This experiment that you just described, was that carried out in Dachau?

A No, they were carried out by our institutes as self-experiments.

Q I am speaking now only of high altitude experiments. Please disregard the other experiments. In your opinion, what is the most dangerous experiment that you ever carried out in a low pressure chamber?

A The most dangerous experiment within the framework of our high altitude experiments including the Dachau experiments - and I am now referring to high altitude experiments - of all of them I consider most dangerous the one Romberg carried out on himself and which is mentioned in the report. I did not know this from what I knew at this time but from what I learned since. I believe in this experiment Romberg came close to death.

Q What is that experiment and why do you consider it the most dangerous.

A Romberg experimented on himself at 13,500 meters in which he suffered severe experiences of blinding,

paralysis, etc., etc.

Q But, don't you believe that the experiments at the height of 20,000 meters are more dangerous?

A The dangerousness of high altitude experiments does not depend exclusively on the altitude but depends on lack of oxygen to which the body is subjected. That is to say, I can conduct experiments at 20,000 meters that are relatively not dangerous and carry out relatively dangerous experiments at 13,000 meters. If in one case, at 20,000 meters the stay is very brief, and in another case, at 13,000 meters, I let the person stay for a long time.

Q Before the beginning of the Dachau experiments it was clear to you what sort of experiments were to be carried out?

A Yes.

Q Let us take the average experiment, such as was carried out in the framework of the Dachau experiments, let us compare it to other high altitude experiments such as you were accustomed to carry out. Were the Dachau experiments more dangerous than other high altitude experiments you were accustomed to carry out?

A On the average they were certainly no more dangerous than experiments we carried out at our institute.

Q Were they more dangerous than those carried out at the Aero Medical Center?

A No, and particularly in view of present experiences we know that the experiments we carried out in Heidelberg were considerably more dangerous to life than the bailing out experiments.

Q Now one other question. Am I correct in saying that there was a research assignment already in existence

when the Dachau experiments began, and this assignment concerned rescue from great heights?

A Yes, that is so.

Q Is it also correct that you received this assignment from the Air Ministry via Hippke and concerned itself with rescue from high altitudes?

A Yes, that is true.

Q Is it further true that you had already carried out a series of experiments to solve this problem?

A Yes, that is so.

THE PRESIDENT: The Tribunal will be in recess until 1:30.

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 29 April 1947.)

THE MARSHAL: The Tribunal is again in session.

DR. SILGFRIED RUFF - Resumed

CROSS EXAMINATION (Continued)

BY DR. VORLEK (Counsel for the defendant Rascher):

Q. Dr. Ruff, before the recess we had stopped at the statement that the Dachau experiments represented a part of those experiments which were part of the program of saving people in high altitudes, that is to say, that before the Dachau experiments began there were in your institute experiments carried out on the question, as well as subsequent to the Dachau experiments, on the same subject, is that correct?

A. That is correct.

Q. During the first conferences with Rascher was there any mention to the effect that experimental subjects might die?

A. In the first discussions with Rascher we spoke of the danger involved in the experiments, and on this occasion as well as later when we talked to the camp commander at Dachau we pointed out that in our opinion, that is, in human judgment, no deaths were to be reported.

Q. During the first conference with Rascher did you think that he purely wanted to participate in the high altitude experiments, or could you see from his whole attitude that he wanted to go beyond that and make experiments of his own whether on his own initiative or by Himmler's orders?

A. At this discussion in Munich and in the discussions afterwards not a word was said about any other experiments which were planned or were to be carried out. We discussed merely the experiments for rescue in high altitude.

Q. Did Rascher not at that time already mention that he intended to make his thesis - to be a lecturer - in the field of high altitude experiments? Is that correct?

A. That is correct.



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Q. Did Rascher at that time show that, apart from the high altitude experiments, he also had to make experiments in order to be able to write his thesis in this field?

A. I don't know anything about that. In any case, I do not recall such statements on the part of Rascher in connection with the discussion in Munich at that time.

Q When did you, for the first time, tell Romberg about Woltz' proposition?

A Following Woltz' visit to my institute in Berlin - either on the same day or the next day.

Q Did you, at that time know that Rascher was a member of the SS?

A No, I did not know that when Dr. Woltz was in Berlin. I don't believe that I heard anything about Dr. Rascher's belonging to the SS.

Q When did you first hear that Rascher had been given permission by Hippke to make high altitude experiments at Dachau?

A At this first discussion with Professor Woltz, Professor Woltz told me that the Medical Inspector Hippke, a few months before that, had already given his fundamental approval for such experiments in Dachau.

Q Would it therefore be correct to say that Rascher both had the permission of Hippke to carry out the experiments and Himmler's approval to carry out the experiments?

A Yes, that is correct.

Q Do you believe that Rascher would have made experiments in Dachau if the DVL had not participated?

A Yes, I am convinced of it.

Q Do you believe that the DVL would have made experiments in Dachau if Rascher would not have taken part at all?

A The question is not easy to answer. The prerequisite for the participation or the execution of these experiments at Dachau was that some one had the permission to perform such experiments in Dachau, and that was Rascher.

Q Let me put my question a different way. Do you believe that the DVL, even if it had wanted to, would have been in a position to carry out experiments in Dachau without Rascher?

A No, I consider that impossible.

Q But you are of the opinion that Rascher, without the DVL, would actually have made such experiments?

A I am convinced of that, yes.

Q But you know that Rascher did not possess a low pressure chamber. Do you believe that Rascher's connections would have been sufficient to obtain a low pressure chamber?

A I am convinced that if Rascher had gone to Himmler, and Himmler had demanded that a low pressure chamber be put at his disposal, that he would have received it.

Q Are you of the conviction that by yours or Romberg's measures the low pressure chamber was, in fact, removed from Dachau earlier than Rascher actually intended it to be?

A Yes, I believe that that is proved by the documents we have here too.

Q Do you also believe that by Romberg's presence in Dachau, Rascher was impeded in his experiments or, at least, limited, and up to a certain point was prevented by that presence?

A That is, for me at least, clear from what we have learned in the course of the trial here. The witness Neff, for example, says that Rascher always took advantage of the time when Romberg was not there - that is, in the evening - for his experiments. If Romberg had not been present, he would, no doubt, have had the whole day for such experiments and would, no doubt, have carried out more experiments than he actually did.

Q Do you agree with me in this idea that first of all Rascher would have carried out his experiments in Dachau even without the DVL, and that, secondly, he would have been less interrupted in his experiments, and, thirdly, that he could have kept the low pressure chamber as long as he regarded it as necessary, or as long as Himmler gave him his permission? Do you believe that these ideas are correct?

A I am convinced of it.

Q How many experimental subjects with green triangles did you see?

A I can't give you the exact figure - ten to fifteen approximately.

Q Did you see where these people were billeted?

A Yes, during the day that I was at Dachau I was practically all the time at the low pressure chamber or in the room adjacent to the billet of these men.

Q And all the experimental subjects whom you saw on that occasion were wearing a green triangle, is that correct?

A Yes, that is correct.

Q When did you, for the first time hear that Rascher, apart from those experiments to rescue people from high altitudes, used the same low pressure chamber, which was used for those experiments, without your and Romberg's knowledge, made experiments of a different kind?

A I heard that for the first time when Romberg came to Berlin and reported the fact to me, and I believe on the same occasion he reported that a death had occurred.

Q You don't know whether Romberg told you before the first fatality occurred?

A No, I don't remember that.

Q Do you regard it as possible that Romberg talked to you about this and that you might have forgotten it?

A That is possible.

Q Now, when you heard about the first fatality did you modify your program to rescue people from high altitudes or did you leave it as it was? Did you change it or shorten it?

A We shortened it.

Q Did that not endanger the result of the whole experiment?

A No, the result was not endangered. The experiments were not shortened to that extent. We would merely dispense with a few minor things which were not essential.

Q What was your first reaction when you heard about the first fatality?

A My reaction was that I completely agreed with Romberg that our experiments had to be concluded quickly so that we could prevent Rascher's continuing his experiments.

Q Did you not conceive the idea of desisting altogether from further experiments?

A We did think of that briefly.

Q And why did you give it up?

A We decided against it because, in the first place, our experiments which had already been carried out would have been in vain, but, secondly, and especially because, by giving up our experiments, we would not have prevented Rascher's experiments. What we were primarily interested in was, on the one hand, to complete the experiments but, on the other hand, to see to it that the low pressure chamber was removed from Dachau; but that was possible only by completing our experiments so that we could say that the experiments for which the chamber was sent to Dachau are completed, and we also said the chamber is urgently needed. Only in this way could we even think of getting the chamber out of Dachau.

Q How was it then not to interrupt the experiments rather than choose the other way?

A Would you please repeat the question? I didn't hear the beginning.

Q Whose idea was it to determine not to interrupt the experiments but take the other way? Would it not have been possible to break off the experiments altogether?

A I believe that this idea originated with Romberg. If I remember correctly, my first reaction was that I said: "All right, you are in Berlin, you will stay here and we'll stop the experiments."

Q Would it have been possible at that time to break off the experiments and get back the chamber?

A It would have been possible merely to break off the experiments. It would not have been possible to get the chamber back.

Q I have no further questions.

THE PRESIDENT: Any further questions to the witness on the part of defense counsel?

BY JUDGE SEBRING:

Q Witness, you have described in a general way the low pressure chamber and the experiments that you say were carried out with this chamber. Will you please tell the Tribunal just exactly what equipment and machinery is necessary for the conduct of high altitude experiments.

A Yesterday I said that the chamber itself consists of a room which is sealed against pressure. The door of this chamber is constructed in such a way that the inside of the chamber is sealed hermetically against the air from outside. In the chamber itself there are benches and tables to accommodate the person conducting the experiment and the subject, and also in the chamber, for each person, there is a supply of oxygen. There is a so-called "lung automat" -- that is, a apparatus which controls the supply of oxygen to the inmates of the chamber in such a way that during the inspiration phase of breath, oxygen is supplied and during the expiration, no oxygen is supplied. This control of the supply of oxygen goes through a tube and is connected to the mask which the inmate of the chamber wears. The oxygen which is supplied through this apparatus comes from a bottle of compressed oxygen -- that is, a steel container -- in which the oxygen is under high pressure. This oxygen is supplied to the "lung automat" through a thin tube. In the chamber there is also a valve so that the experimenter, who may be in the chamber too, will be able to start a descent. Now, the chamber is connected by a system of tubes with valves to a number of pumps -- to one or several pumps -- and these pumps pump the air out of the chamber. The speed with which the air is pumped out can be regulated by a valve which is outside the chamber at the controls. In the chamber, in general, there is also a meter which gives approximately the altitude. There are also sprays and medicine for reviving the subjects in the chamber. In addition to the tubes leading to the pumps, there is another system of tubing which leads to the fresh air outside. The other end of this tube opens into the chamber. Between the two ends of this tube there is a valve which one can open and close. For

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descent, this valve is opened and air is introduced into the chamber. This increases the pressure and this brings about descent. Outside of the chamber, at the controls, there is another altimeter which consists of the mercury column which measures the altitude exactly. That is, the altitude is not read directly, in general, but the pressure in millimeters of mercury which is later calculated to what altitude this indicates.

Q. Will you please explain to the Tribunal the procedure which you would use for conducting what you called explosive decompression test; how are the men seated, how are they equipped, and what is the precise procedure for such a test?

A. If we start with the conditions of this mobile chamber which was used at Dachau, the big low pressure chamber itself is rather a big room which has room for 10 or perhaps as many as 12 persons. In this big chamber no explosive decompression tests can be carried out. For such tests there is in addition to the big chamber a small chamber which can hold two people at the most. The two people sit on a small bench facing each other. The small chamber is otherwise equipped just like the big one is, hermetically sealed. It has windows for observation. It has telephone communications and between the big and the small chamber is a very big valve with two openings of about 15 centimeters diameter each. In order to carry out such an explicit decompression test the big chamber is pumped out to a certain altitude. After this has been done the subject enters the small chamber. Depending on the experiment he is either with or without oxygen equipment. There is a telephone, and the subject goes into the chamber. And now in Dachau the experiments were generally performed in this way. There is a slow ascent to 8 or 10,000 meters, generally with oxygen. This altitude for beginning the experiment was chosen because in the military planes the crews who normally fly in pressure cabins under pressure corresponding to 3,000 meters, have instructions as soon as there is any danger to reduce the pressure in their cabins so that it will correspond to 8,000 meters. The purpose of this was that the crew should be forced, even before the acute danger existed, to use their oxygen equipment because they could not fly at 8,000 meters without oxygen, so that if something actually does happen they have already their oxygen equipment on. Now, I come back to our experiment. The subjects go up slowly to eight to ten thousand meters,

they were generally left there for a few minutes, so that they would be given an opportunity to get rid of the gas from their bodies. In the stomach there is always a little air or gas that expands when the altitude increases, and they were to get rid of this gas, so that it would not expand further at greater altitude, and interfere with breathing. The same conditions exist in practice. Then came the experiment proper, this experiment consisted of two parts, the explosive decompression and the following parachute jump. That follows the explosive decompression to the altitude for a parachute jump. A slow ascent to this altitude is not possible. I have already said that above 13 or 14 thousand meters altitude sickness occurs. If one had gone up to these altitude slowly one would arrive at the desired altitude with an air sick subject that would not have corresponded to the conditions of practice. Now, to get back to our experiment, the explosive decompression follows; this is brought about in the following way between the big chamber and the small chamber, the big valve is opened. The air is suddenly drawn from the small chamber into the big chamber. The pressure between these two chambers was coordinated. Such sudden rises are not possible with pumps of normal dimensions. Now, the experimental subjects were at the altitude for the beginning of the actual experiment, and start the part of the experiment in which we were interested.

Q. How long did it take to decompress the small chamber so that the compression in the small chamber would be the same as it was in the large chamber?

A. About one second. The actual speed of this adjustment depends on how the valve is manipulated, but it would be about one second.

Q. Then when that occurred and the pressures were equalized how did this complete the experiment to simulate a parachute jump down to a coiling where a person could exist without the aid of oxygen, and could simply get their breathing substance from the air itself, wasn't that the second phase of this experiment?

4. That was the experiment proper. The part of the experiment which we were primarily interested in there. After the altitude for the experiment had been reached the subject remained for a few seconds at this altitude. The purpose of this was to simulate as closely as possible the conditions of practice, because if there is such explicit decompression within a plane it takes a certain length of time before the crew members can jump. After a few seconds of waiting at this altitude the pressure in this small chamber was increased. That is the descent was broken, and the speed of this increase of pressure was so regulated that it corresponded to the speed of falling without a parachute, and in other experiments it corresponded to the speed of falling with an open parachute. With this falling speed so regulated the chamber descended to zero meters, and that was the end of the experiment. What we were interested in, in these experiments, was to determine whether and when the experimental subjects were able to carry out an order or instructions which had been given before the experiment after overcoming altitude sickness. That is a person in an airplane is told after such a thing happens to you then to jump first. You don't do anything and when you come to without then you pull the rip cord of your parachute. The same thing was said to the experimental subjects, and after they came to after suffering altitude sickness they manipulated a lever which in the experiment represented the rip cord of the parachute. In manipulating this lever the experiment was actually ended, and then the chamber was brought down to zero meters. That actually had nothing to do with the experiment.

Q. From the time that you would embark on one of these experiments until you considered the experiment at an end; what length of time would be required?

A. That differed greatly, it depended on whether these were slow sinking experiments, that is experiments to assimilate falling with a parachute or free falling experiments, which corresponded to falling without a parachute. Roughly, one can say the following without making too great a mistake; one can conclude for the falling experiments: 10 seconds per 1,000 meters; for the sinking experiments per 1,000 meters - one minute. I believe that that is accurate enough for these conditions, but in the original of our report there is an exact chart of the time that the individual experiments took.

Q. You could recollect then what would be an average time for the completion of an explosive decompression test from the time that the experimental subject actually took his seat in the small chamber until you carried through the assimilation of depressurized small cabin and the descent down to zero; would take twenty minutes, thirty or five minutes, what length of time would it take?

A. For one experiment, I would like to submit the figure for the highest altitude 21,000 meters, rising to 8,000 meters, it takes two or three minutes, weight measure 5 minutes, that makes 8 minutes. The other rise to 21,000 meters, one can ignore as far as time is concerned, that is about one-tenth of a second. Then the ascent from 21,000 let us say to 10,000 meters is where the actual experiment is really finished normally if there is no difficulty with the ear, it would take

two or three minutes; that would make a total of twelve or thirteen minutes for the experiment.

Q. Then, you would say that from the time the experimental subject actually seated himself in the chamber until the experiment was concluded it consumed somewhere between twelve and fifteen minutes?

A. That is about right, yes.

Q. Now, during all that period of time I understand that certain observations were being made by physicians, technicians, researchers or attaches to regard Behring results, I suppose the pulse counts, cardio gram and that sort of thing; is that correct?

A. That is right.

Q. To conduct such an experiment, now I mean the explosive decompression test; how many physicians, technicians and attaches were normally necessary to manipulate the chamber and the air pressure and to check and to tabulate the results?

A. For such an experiment, if I should give the minimum personnel, we needed a doctor to observe the subject and one technician to manipulate the chamber to take care of the pumps, to be in the machine room, etc. The observing doctor, if it was an experiment on the small chamber, could look from the window into the chamber and with his left hand regulate the descent.

Q. Then, you say that for this explosive decompression test, the matter could satisfactorily be concluded with one doctor and one technician; is that correct?

A. Yes, that is the minimum.

Q. In the tests you conducted how many doctors, technicians and attaches did you have?

A. There were two doctors, Dr. Romberg and Dr. Rascher and also in general another person who took care of the technical things.

Q. Were any tests concluded or launched to determine the ceiling which a flier could attain without the use of oxygen?

A. No, that was not done, but perhaps I may point out one thing; there is a great difference whether one leaves a person for a short time at a certain altitude and determines whether he could stand this altitude with or without oxygen, or whether one leaves him for a long time at this altitude. The effect of the lack of oxygen depends on the strength of the oxygen lack and also on the length of time of the lack.

Q. From your study of the matter, can you say to what ceiling a flier can be expected to go without oxygen and still live?

A. According to our experience from 4,000 there are certain symptoms without oxygen and certainly from 5,000 or 6,000 meters it is not possible to stand this altitude for a very long time. A pilot would not be able to control his plane at that altitude without oxygen. On the other hand, we know that under other conditions it is very possible at 6,000 meters to perform serious, severe work without oxygen. We find these conditions in the case of mountain climbers. It is known that the highest peaks in the world in the Himalayas have been climbed without oxygen, that would be 8,000 meters. That is because the body in such a slow ascent as in the mountains can adapt itself to the altitude. For example, the number of red blood corpuscles, which are very necessary for oxygen supply, is increased to more than double in general

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area. One cannot answer this question correctly in the same form or in a sense such as occurs in aviation where it is generally considered that at about 5,000 or 6,000 meters it is not possible to stay for hours. That one can live in this altitude for a short period, this of course varies depending on the individual.

Q. In these experiments that were conducted, either the explosive decompression tests or the slow ascents, what opportunity was there in either of these chambers for self rescue by that I mean to say if the experimental subject felt that he was losing control of his mental or physical faculties what opportunity did he have, other than to signal to the man manipulating the chamber to be brought down to normal altitude?

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A. In each of these chambers, in the small one as well as in the large one, there was within reach a valve which one could open to descend.

Q. Just exactly where was this low pressure chamber located and installed in the Dachau concentration camp?

A. This mobile low pressure chamber was standing on a road between two barracks. In one of these barracks was the shelter for the experimental subjects and the workroom for the person in charge of the experiment and and the rest of the personnel.

Q. When you were ready to begin an experiment, who produced the experimental subjects from day to day? In other words, how did those subjects who were housed in the barracks know that at such and such a time there was going to be an experiment and that they in particular had been selected for that experiment?

A. The subjects for our experiments for rescue from high altitude were during the whole course of experiments in this room in the barracks. They were not brought from somewhere when the experiment was to be conducted; they were all there. The person who was in charge of them was the witness Neff who has testified here.

Q. I understand that; but how did Neff know that at 1430 hours he was to produce the experimental subject A, or B, or C at the chamber itself for the conduct of an experiment? They simply couldn't guess it. Some had to go through the routine actually, I suppose, of making each of the experimental subjects know that today, 29 April, at 1430 hours he would be expected to report somewhere to somebody for some sort of a test, wouldn't he? Now, what was the routine for making that man available?

A. On the day when I myself participated in these experiments I saw how this happened. Where the record of the experiment was kept, it was set down who was available for experiments, that is, what experimental subject had not been in an experiment in the past few days. After every experiment the subject had several days of complete rest. That was so that the results would not be influenced by the person's being subjected to too many of them. It was from the remaining subjects that the experimental subjects could be used. As far as I recall, the witness Neff saw such people as could be used and asked them which one of them wanted to be in an experiment that day. Then from the limited group Neff brought the one who wanted to be in the experiment on that particular day. The group was often limited more and more every day; but at the end nobody but one person was left who had not participated; and that was his turn that day.

Q. Ordinarily how many experiments were each of these experimental subjects required to undergo?

A. The subject participated in about ten or twenty experiments altogether.

Q. Over what period of time?

A. Three months.

Q. You speak of a large pressure chamber and a small chamber. Now, which one of these was out in the road between the two barracks?

A. They were both together in one truck.

Q. What would you say were the approximate inside dimensions of the large low pressure chamber?

A. The big low pressure chamber was about eight-- that is, there were two circles. Two cylindrical chambers adjacent to each other. Each of these circles had a

diameter of about two meters thirty, two meters twenty or two meters thirty.

Q. How many people could be accommodated in the large Chamber if you wanted to conduct a mass experiment? Let us assume for instance, I think you said that a person could go up to four thousand meters without the use of oxygen; isn't that correct?

A. Yes.

Q. Let us assume that you wanted to determine that fact. How many experimental subjects could you have placed in the large pressure chamber at one time?

A. The Luftwaffe had, as far as I know, a maximum of ten persons in the big chamber. In each of these two circles which I mentioned, of which the chamber was composed, there would be more than 4 experimental subjects and one doctor, let us say, a total of ten persons. But if one assumes that these people were to crowd together closely, one would surely have been able to seat twelve people in the chamber.

Q. To get into that chamber were there two entrance doors or just one?

A. Only one door.

Q. And that pressure, if you start at zero, I suppose would ordinarily start at what we call approximately fifteen pounds to the square inch? Would that be correct?

A. Yes, that is right, 760 millimeters of mercury by the other measurement. That is one atmosphere.

Q. If you were then to attempt to take that pressure down, for instance, let us assume you wanted to take it down to 6000 meters, how long would it take to do it?

A. It is possible to vary this ascent to a certain extent by the valves. The normal speed of an ascent with

which we carried out such experiments was a thousand meters per minute. This was, so to speak, the standard speed because the altitude which can be reached without oxygen depends to a certain extent upon the ascent. In order to be able to compare experiments at various institutes, the Medical Inspectorate suggested that unless there were any special circumstances one should use this speed, a thousand meters per minute.

Q. Suppose you wanted to test the chamber itself to see if it was operating properly. What would be the minimum time that you could take that chamber from zero to 6000 meters?

A. That depends on the construction of the chamber. But to stick to this particular mobile chamber that we used in Dachau, for 6000 meters we would need about three minutes, three or four minutes. May I add something about these questions? This red book which Dr. Sauter handed to the Tribunal has in it a sketch of this mobile chamber.

THE PRESIDENT: Counsel for the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. HARDY:

Q. Dr. Ruff, when were you first approached by Dr. Weltz?

A. December 1941.

Q. Did Dr. Weltz come to visit you in Berlin?

A. He came to Berlin and visited me in my institute.

Q. What did he say?

A. During this visit we discussed aero medical questions among other things. He had received our first report on parachute descents from great heights and we discussed this. I told him how we wanted to continue with these experiments, in other words, what would be the second part in this experimental series. And, that is in essence the subject of our conversation. Prof. Weltz then suggested to me that the second part of this experimental series should be carried out in Dachau on prisoners.

Q. Professor Weltz suggested to you that you should carry out this research on prisoners in Dachau concentration camp. Is that the first time you heard of the plan?

A. Yes, that was the first time I heard of that project and Professor Weltz made this suggestion that there should be collaboration between Romberg and Rascher, between his institute and mine, and that we should carry out the experiments.

Q. What do you suppose prompted Dr. Weltz visit to you in Berlin?

A. There were many such visits. In the first place I said in my direct examination that Weltz throughout the entire War came to my institute once or twice a year when he was in Berlin and had time to come to the institute.

Q. Prior to the time that you and Romberg accepted the invitation of Weltz, to your knowledge, had Dr. Rascher any experience in the field of high altitude research?

A. You mean Rascher and myself?

Q. No, I will repeat. Prior to the time that you and Romberg entered the Dachau picture did Rascher ever have any experience in high altitude research work?

A. Rascher had been assigned to Weltz's institute for several months at this time and certainly he at least had the opportunity to witness high altitude experiments and to take part in them. Moreover as I could see from conversations I had with Rascher from the time I met him Rascher was perfectly acquainted with aero medical problems.

Q. But, actually Rascher was more or less a beginner in this type of research work, wasn't he?

A. How much he had worked in this field I cannot say. I don't even know it today but with us in the institute the situation was that if a new worker came within three months he had participated in low pressure work for at least one hundred times and had a very good idea of what altitude problems were from his own personal experience.

Q. Well, now didn't Dr. Weltz consider it desirable to have experts like yourself and Romberg assist Rascher in these experiments?

A. It is true that in this collaboration that Weltz proposed he said, among other things: "It is, of course, best if you or Romberg take part in these experiments because Romberg had already carried out such parachute descent experiments and is, therefore, the man who has

carried out such experiments and knows about the whole problem of rescue from high altitudes." Yes, that is correct.

Q. Well, now during the course of Woltz's visit to Berlin, the first visit, did you discuss any of the arrangements to be made at Dachau in the carrying out of these experiments?

A. So far as I can recollect today we probably discussed the whole matter of carrying out these experiments because we spoke about the first part of the series and the second part was identical so far as the carrying out of the experiments at high altitudes. This was to be at higher altitudes.

Q. Well, now Dr. Ruff did you, when you first heard of the proposal of Dr. Woltz to go to Dachau to assist Rascher and work upon concentration camp inmates, did you have any immediate misgivings about the situation?

A. Perhaps I can make a correction in a detail here. In this discussion it was not as if we were going to Dachau to support Rascher and assist Rascher but in this discussion we said that between Woltz's institute and ours there should be collaboration. Now to answer your question whether I had misgivings at that time. I had no legal misgivings because I knew that the State official who had approved these experiments was Himmler. Himmler was then in the Ministry of the Interior. He was Chief of the Police and the highest executive officer in the State. Therefore, I had no misgivings of legal nature. It is another question, of course, from an ethical medical point of view where the choice of carrying out experiments on prisoners was something brand new to us. So, I and Dr. Romberg had to get used to this idea.

As I have already said in my direct examination, we had heretofore carried out these experiments on ourselves and now were being asked to carry them out on other persons and prisoners. That I nevertheless decided to carry out these experiments on prisoners was determined for me first of all by the urgency of this matter and secondly by my knowledge of international literature which assured me that the attitude I had toward such experiments was repudiated now by Professional medical associations in foreign countries. Nor did the Prosecution or church or a Parliament in any foreign countries object to such experiments. All that I knew. And let me say that my knowledge of these international experiments afforded me the certainty that I was undertaking nothing which would have been prohibited in another part of the world or another part of Germany and would have been regarded as unethical. I explained this morning that this is still my point of view that experiments on prisoners, professional criminals, if they are volunteers and if they do not endanger life, and if they are offered some sort of recompense for them, I do not regard it as immoral to carry out these experiments.

Q. Well, did you speak with Professor Woltz about the dangers involved in experiments in this first meeting in Berlin?

A. I dare say I did but at any rate we certainly spoke about it in Munich.

Q. Well, now prior to your trip to Munich, that is immediately after your meeting with Professor Woltz, did you then report the fact that you had been visited by Professor Woltz and that you had been invited to collaborate with his institute in the experiments at Dachau to

any one? In other words, report that immediately to Hippke?

A. On a day that followed this conference. Of course, I don't know today whether one or two days later after I had discussed this proposal with Romberg I went to Hippke and also discussed this problem with Hippke. On this occasion I became convinced that Hippke had given his approval in principle months ago for experiments in Dachau and on this occasion got Hippke's approval for the experiments and for the use of the low pressure chamber for this.

Q. As a matter of fact, Hippke had talked to Rascher and Woltz prior to the time he visited you, that is Woltz visited you, isn't that right?

A. Yes, Hippke told me that, namely that a few months ago Rascher and Koppenhoff, I do not know whether Woltz took part, had a discussion with him in Munich about the question of high altitude experiments.

Q. Hippke at that time approved of the experiments, didn't he, as planned?

A. When I was with Hippke he gave his approval for these experiments.

Q. Well, now then you proceeded to have a meeting in Munich at Woltz's Institute. When did that meeting take place?

A. I can't remember that for sure today but it was in the beginning of 1942.

Q. Who was present at that meeting?

A. Present - Professor Woltz, Dr. Rascher, Dr. Romberg and myself.

Q. Wasn't Dr. Lutz and Dr. Wendt there?

A. Drs. Lutz and Wendt were not present at this discussion.

Q. Well, now, don't I recall Dr. Lutz stating here that you and Romberg visited the Institute in Munich and upon arrival he met with you at the same time with Wendt and then Weltz, Rascher, Romberg and yourself got to the part of this discussion which would involve the work to be done at the Dachau Concentration Camp. Thereupon Lutz and Wendt were asked to leave the room. I believe you will find that in the record of this trial on page 279 and that is the testimony of Lutz. Well, now did you talk to Lutz about these matters to any extent at all prior to the time Lutz was asked to leave the room?

A. Of course, when I was there in Munich in the Institute I also spoke with Lutz.

Q. Were Lutz and Wendt men who had done considerable work on high altitude research work with animals?

A. Of Lutz I know that he had done work in the field of high altitude experimentation.

Q. Well, then why would it be necessary or why was it necessary to ask Lutz, a man who had had considerable knowledge of high altitude research, to leave the room?

A. This request that Lutz should leave the room was not known to me. I heard his testimony here but with the best will in the world I cannot recall that upon this occasion Lutz was sent from the room. Please keep in mind that this took place about five years ago and I am quite willing to admit the possibility that some such thing did happen. On the other hand I believe that Lutz's failure to participate in this discussion is nothing so very unusual. As I imagine that in my institute, received visitors, let us say Professor Wendt and Lutz, and we had

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something to discuss then I should have thought it a matter of course to ask my collaborators who were in the same room to leave the room. I think that is so a matter of course that we wouldn't have to do much talking about it.

Q That's very true, but we first must consider that when the witness Lutz was here in this court room he stated that he was offered the position that you had relative to Rascher at Dachau. In other words, Helitz had asked Lutz to collaborate with Rascher at Dachau and Lutz said here on the stand that he considered himself not ruthless enough to conduct high altitude experiments on human beings in concentration camps. That is on page 269 of the record. Do you recall that?

A Yes, I remember that testimony.

Q Well, taking that into consideration, it would appear that Lutz would have had some interest in this particular conference, would he not, had it not been determined by the members of this conference that they wanted it kept secret?

A It seems to me that the opposite is the case. If this really was the case, as you have described it; namely, that Helitz asked Lutz ahead of time to carry on the experiments and Lutz here states that he didn't feel himself ruthless enough to carry out such experiments, then there certainly wouldn't have been any reason to send him from the room.

Q Well, now, you apparently did not agree with the attitude that Lutz exhibited here before this Tribunal when he stated, on page 302 of the record, that he himself would not have carried out such experiments on a dog, much less on a human being.

A Mr. Prosecutor, I believe I have to correct you here. In the German record of what the witness said - at least, as I understood it - he never testified that he wouldn't have carried out such experiments, even on a dog, such as we carried out on human beings. The witness did not say that. The witness said he did not feel himself to be robust enough for such experiments.

Q Yes, you will find that, Doctor - I won't argue with you on that point... You will find that on page 269 of the record - "robust" - and you will find, on page 302, the expression I quoted to you. In addition, to that, Dr. Mandt also refused to participate in these experiments. Now, inasmuch as you are an expert in this field of research, why do you

suppose these two gentlemen, who were also men of considerable reputation in the field of high altitude research, had such strenuous misgivings about conducting experiments at Dachau?

A. Let me point out first of all that, at that time, I did not know that these two gentlemen had allegedly received an offer from Meltz to carry out such experiments and had refused. I still doubt that. And I believe that the witness Wendt will, in the course of this week, testify on this matter. It is very hard for me to say why these men refused to accept Meltz's offer. Yesterday I described the experiments that we carried out on ourselves. I told you the conditions under which I gave my approval for these experiments in Dachau and I can say for myself that I had neither legal nor moral misgivings about these experiments. As you have seen from the testimony of prosecution witnesses here - first Leibbrandt - the physician can take the point of view that he repudiates all human experiments. That is one point of view which everyone must respect. On the other hand, there are physicians who embrace a different point of view.

Q. Well now, when was the low pressure chamber ordered down to Dachau?

A. Again I can't tell you the precise day. It was after the 12th of February. I know that on the 12th of February the chamber was still in Berlin and the chamber must have gone to Dachau after that date; roughly, at the end of the first half of February or the beginning of the second half of February.

Q. Well now, prior to the ordering of the low pressure chamber to Dachau had you yourself been to the concentration camp - that is, prior to the time the low pressure chamber arrived?

A. Yes, I have already said that after this discussion in Meltz's institute - I believe on the next day - there was a discussion in the concentration camp of Dachau with the camp commander.

Q. When did Rascher and Romberg and yourself select the volunteers to be used in the experiments?

A. Neither Rosenberg nor myself chose these volunteers. Before Rosenberg came down to Dachau for these experiments, of these sixty persons who had applied Rascher chose those who were suitable for our purposes.

Q. Well now, after the low pressure chamber arrived in Dachau, did the experiments begin immediately?

A. I can't say that for sure today. The witness Neff testified that on the 19th of February, or perhaps on the 22nd of February, if I remember correctly, the experiments began. It is also possible that the first experiments took place on this day, but the documents show that there was then a pause of a considerable length of time because there were some difficulties with Rascher, and then, at the beginning of March, the experiments really began. That is what I know on the basis of the documents and Neff's testimony. Of my own knowledge I don't know that.

Q. Well now, the volunteers were selected after the pressure chamber had arrived at Dachau, is that right? In other words, the experiments began some time after the pressure chamber arrived? Now, did they then select the particular subjects to be used or accept the volunteers after the arrival of the low pressure chamber?

A. I can't answer that in detail. I was not at Dachau when the chamber arrived, nor was I there at the beginning of the experiments. Thus, I cannot answer that question with precision.

Q. Well, you have stated here that your reason for accepting this invitation to participate in these experiments at Dachau was because of the fact that the subjects to be used were volunteers. Now, didn't you yourself, acting as a prudent person, ascertain the existence of a group of volunteers before you sent this chamber to Dachau? Suppose you sent the chamber all the way to Dachau and you couldn't get a volunteer, which obviously was the case? You sent the chamber to Dachau before you even had ascertained whether or not any one had volunteered for these experiments, didn't you?

A. That is so, yes. But the situation was that the camp commander told us during this discussion that we should have no difficulty in find-

ing enough volunteers. He asked us, nevertheless, to keep the number of prisoners whom we should need to a minimum since he needed all the inmates of the camp for work.

Q. Well now, Doctor, you apparently received the authorization from Hippke prior to the time that you sent the chamber to Dachau. Now, this chamber was a mobile chamber, was it not?

A. Yes, that is so.

Q. That is, the chamber itself was mounted onto a tractor?

A. Yes, that is so.

Q. And it was possible for the chamber to be driven from Berlin to Dachau on the Autobahn, I presume?

A. Yes.

Q. Well now, you sent the chamber first of all to Munich to Woltz's institute, is that correct?

A. Yes.

Q. Why was the chamber sent to Woltz's institute rather than having been sent directly to Dachau?

A. In my direct examination I explained that yesterday. The chamber, on its way to Dachau, went via Munich. During the discussion with the camp commander in Dachau we talked about whom the drivers should turn to. The chamber belonged to the Luftwaffe and should certainly be turned over to a member of the Luftwaffe. Moreover, we did not know when the chamber would reach Dachau. It was winter, there was snow, so that you couldn't foresee when the chamber would arrive. Rascher was not at Dachau but was either in Munich or Schongau, and while we were discussing these things the camp commander asked whether the drivers were informed what sort of experiments were to take place. We, of course, denied that because it was not our custom to tell the drivers what sort of experiments we were doing. And then the commander said, "If that is the case, then I want that chamber to stay in Munich for the time being because, otherwise, the drivers will spread some rumors to the effect that the people to be used in it are about to be chosen." For this reason, on the wish

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of the camp commander, the chamber stayed in Munich.

A. It is my opinion that a prisoner is altogether in a position to volunteer for an experiment. From the purely legal point of view so far as I can judge the prisoner is altogether in a position to carry out legal business, consequently he can also decide whether he is to participate in an experiment or not.

Q. Well, then it is your opinion that a person, even though incarcerated can actually in the direct sense of the word, volunteer for a medical experiment?

A. I am of that view, that both a prisoner or a non-prisoner can volunteer for experiments.

Q. If that be the case why was the criminal status of these subjects to be used in the high altitude experiments of any consequence?

A. Of course, it is easier in experiments to give approval if the subjects are habitual criminals and not some other people who because of their ideology or politics or some other reason are being kept prisoner. I am of course of the opinion that I am permitted to carry out experiments on political prisoner if these gentlemen volunteer. But regarding the possibility of carrying out experiments on political prisoners, there was no discussion on that occasion at all. When Woltz made this proposal to me and told me that Hipsko had given his permission, I asked who these prisoners were and he told me that they were habitual criminals who had volunteered. Thus the question whether or not we might experiment on political prisoners never came up in this connection.

Q. And it is your contention that the persons used at Dachau were not only subjects condemned to death, but also included habitual criminals, that is people with 10, 20 or 30 years sentence, is that right?

A. The experimental subjects which were used in our experiments, namely the 10 or 15 who were always at the experimental station, were not persons condemned to death so far as I know, rather this was a group of experimental subjects who were under protective custody.

Q. Now, what did you or your group offer these habitual criminals?

A. You mean the recompense that they should receive?

Q. Yes.

A. We offered them nothing on our part. We had no possibility of doing so, because the recompense would have to be determined by the office that had charge of these people, namely Himmler. Only he could promise recompense, and see to it that it was given, and as the witness Hoff here has testified, he promised these people that after the experiments they would be pardoned.

Q. Now, inasmuch as you and Remberg were involved in these experiments, did you yourself make any attempt to investigate the status of a prisoner after he had been subjected to the experiments in the high altitude research work?

A. After carrying out these experiments when Rascher came to us to turn in in opinion, we asked how this business of pardoning prisoners was coming along. Rascher said that he had seen to that, and thereafter we did not concern ourselves with this matter, because that was not our job and was not within our power. That was the job of the Reichsfuehrer SS.

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Q Of course Rascher never exhibited to you the letter that he received from Heinrich Himmler stating that Rascher had the power to pardon some of these inmates after they had once gone through the experiments to the extent that they had died and if they could have been recalled to life that their sentences could have been commuted to life imprisonment in the concentration camp; did he call that to your attention which was the offer that these inmates had?

A No, I saw that letter here for the first time among the Documents.

Q Well, now, as I understand it from direct examination, you maintain that there are actually two sets of experiments at Dachau in the field of high altitude research, namely, these experiments for the benefit of the Luftwaffe and these experiments for the benefit of the SS, conducted solely by Rascher as ordered by Himmler and the experiments that were conducted by Ruff and Remberg; is that correct?

A Yes, that is true to the extent that on the one hand there were experiments in descent from high altitude and on the other hand, as can be seen from the documents; there was not one experimental series but several short ones which Rascher carried out on Himmler's orders.

Q And these are the experiments where death occurred; is that right, the Rascher experiments, the SS experiments, so to speak?

A Fatalities occurred in Rascher's experiments and in the experiments concerning high altitude there were none.

Q Now, when these gentlemen from the concentration camp volunteered for the experiments, was it not clear to these subjects that they were volunteering for the experiments to be conducted under the guidance of Ruff and Remberg, rather than the fatal experiments to be conducted under Rascher independently?

A That was told to the persons who volunteered individually for the experiments that, of course, I cannot report on to you, because I was not present; but what they were told was that these were high alti-

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tude experimenst and that so far as could be seen , these experiments were not dangerous to life. When Remberg went et Dachau, he told the experimental subjects precisely just what the nature of the experiments was to be. This was necessary so that the subjects would be in position to participate in a sensible manner in these experiments, namely should be able to do what was expected of them in the experiments. The experimental subjects that we had for our experiments, were certainly told at considerable length what these experimensts had as thei goal and they were also certainly told that there would not be any serious danger as fatalities or death.

Q One last question along these lines; Doctor, in the course of these experiments who determined whether or not the volunteer was a volunteer for Rascher or for Ruff and Remberg. In other words, when an experimental subject entered the prison chamber, was he given a tap on the shoulder, was he told you are Rascher subject, you are Ruff's experimental subject, or did they wear jerseys, one having SS on it and the other Luftwaffe?

A I have already said that the experimental subjects, who participated in our experiments, were kept permanently at this experimental block, that they were there throughout the whole period and participated in all the experiments in high altitude and that nothing happened to any of them. I remember the witnessess Neff and Vieweg testified and both of these collaborated with this.

Q Did you check on the status of each and everyone of the experimental subjects that were set aside, Ruff, Remberg, and Rascher experiments, namely 60 subjects.

A I did not quite understand the question.

Q You have stated here that some sixty experimental subjects were set aside in one group to be used in the Ruff, Remberg and Rascher experiments, after the conclusion of the experiments, did you check and can you tell this Tribunal under oath that each and every one of these sixty experimental subjects are now living?

29 April-A-GJ-21-3-Mechan-(int. Brown)-

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A I believe there must have been an error in translation. I did not say that sixty persons were reserved for the Ruff, Rosenberg and Rascher experiments, I said that from a number of about sixty of these prisoners about ten or fifteen were chosen, who were constantly present at the experimental station, as experimental subjects.

THE PRESIDENT: The Tribunal will now be in recess until 9:30 o'clock tomorrow morning.

(The Tribunal recessed until 09,30 Heurs, 30 April, 1947).

29 April-A-GJ-21-3-Moehan-(int. Brown)-

Court No. 1

A I believe there must have been an error in translation. I did not say that sixty persons were reserved for the Ruff, Ramberg and Rascher experiments, I said that from a number of about sixty of these prisoners about ten or fifteen were chosen, who were constantly present at the experimental station, as experimental subjects.

THE PRESIDENT: The Tribunal will now be in recess until 9:30 o'clock tomorrow morning.

(The Tribunal recessed until 09,30 Hours, 30 April, 1947).

Official Transcript of the American Military
Tribunal in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany,
on 30 April 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find thier
seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United
States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants
are all present in court.

THE MARSHAL: May it please your Honor, all defendants are
present in the court.

THE PRESIDENT: The Secretary-General will note for the record
the presence of all defendants in court.

Counsel may proceed.

DR. SIEGFRIED RUFF - Resumed

CROSS EXAMINATION (Continued)

BY MR. HARDY:

Q. Dr. Ruff, continuing our discussion regarding the subjects
used in the experiments at Dachau, you maintain that all subjects
used in the Rascher, Romberg Ruff high-altitude experiments were
volunteers. Who told you these subjects were volunteers?

A. In my direct examination I said that before the experiments
I was first told about them and then Hippke corroborated this
statement, furthermore, this was also corroborated by Rascher in the
discussion in Woltz's Institute, and fourthly, it was corroborated by
the camp commander, and after the experiments began, when Romberg was
in Berlin for the first time to report to me, he again corroborated
the fact that the subjects were volunteers.

Q. What did Dr. Woltz have to do in this picture, did he
participate in the selection of the inmates to be used?



A. I said during the discussion in my institute in Berlin Professor Woltz told me what sort of persons the experimental subjects were, namely, that they were criminals, that they were volunteers.

Q. I asked you a question, you can answer it very briefly. Did Dr. Woltz participate in this selection of the inmates to be used for these experiments?

A. No.

Q. Did Professor Hippke participate?

A. No.

Q. Dr. Romberg, did he participate?

A. No.

Q. Then it is possible that those three gentlemen didn't know whether or not they were volunteers, isn't that so?

A. These three gentlemen had been told that these experimental subjects were volunteers, moreover --- when Romberg came to Berlin ----

Q. Who told them?

A. Probably Rascher. I don't know the details.

Q. Then you actually don't know who told them that these subjects were to be volunteers?

A. That is so, except for Romberg, because when Romberg told me that these people were volunteers he had already conducted experiments in Dachau, and what he told me was based on his own information.

Q. Now you have also told us that the subjects used were either men condemned to death or habitual criminals in every instance. What do you consider to be an habitual criminal?

A. I consider an habitual criminal to be a person who by committing several crimes has demonstrated that he is a residivist, in other words, a criminal who is condemned by a regular court to be kept in jail for the general good of society.

Q. Now I notice on page 89 of document book number 2 which is the report signed by Ruff, Romberg, and Rascher signed the draft thereof, which is document NO-402, and on page 14 of the original copy of that particular report, which is your report, there is

described there the conditions of an experiment, and just what happened to one of the subjects experimented upon, how he answered each question, and so forth. In parenthesis you will note in that report that this inmate is described "in civilian life a delicatessen dealer". The German, I believe, should be translated to mean "delicatessen owner", rather than dealer. Now, it is important, isn't it, to note, Dr. Ruff, that the gentleman used in this experiment was a delicatessen dealer? Does that fit into the framework of being a person who is considered to be an habitual criminal?

A. I see no contradiction between the fact that a man is on the one hand an owner of a delicatessen and on the other hand an habitual criminal. There is no contradiction there. It seems to me that persons from every profession or class of society can commit crimes and thus can become habitual criminals. I recall to your attention the prosecution witness Vieweg who was by profession a worthy book binder, and yet he had committed a long series of crimes and is at the moment under indictment in Bamberg for, I believe, 7 or 8 crimes for abortion, for arrogating to himself the title of physician, --major theft, fraud --

Q. We won't go into the category of Vieweg. I want to ask you now why the words in parenthesis were found as they are in the report, and why they weren't set down in the following manner: In civilian life "a professional criminal", that would have been more appropriate, would it not?

A. No, I don't believe so. Could you please give me the precise page where this is to be found?

Q. On page 14 of the original copy. Page 89 of the English.

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A. Now, I can tell you about this. This is the description of an experiment in great detail. For every minute of the experiment there is an indication of what the experimental subject is doing, and it is here stated that the experimental subject, in the twelfth minute after he reaches sea level, himself asks: "May I slice something?". And, then, as an explanation of why a man should ask something as strange as that, there is, in parenthesis, the explanation of what he was in civilian life; namely, a delicatessen dealer. The indication that he was of that profession explains why he asked if he could slice something such as wurst or....

Q. (Interrupting) How will did you know this particular man, Doctor?

A. I personally didn't know him at all.

Q. You didn't know whether or not he was just a delicatessen dealer who was perhaps put into the Dachau concentration camp because he was a Jew?

A. That I cannot tell you.

Q. Yet you were willing to sign your name to a report which, very elaborately, describes what happens to a human being and did not know who that particular human being was, or what his status was in the Dachau concentration camp?

A. In my direct examination, I said already that all the experimental subjects whom I saw when I was in Dachau wore the green sign that meant they were habitual criminals, and that the persons used in our experiments were housed all together in one room. That, in addition to this, I inquired when I was in Dachau just what crimes these individuals had committed and that I found out that one of them was a counterfeiter, and

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another was a habitual cheater. Several such crimes were named to me. That had to suffice for me. Moreover, we had to depend on the use of whatever the executive organ of the state made available to us in the way of habitual criminals for these experiments.

Q. Now, what was the manner in which these criminals volunteered for the experiments?

A. When the subjects turned up for the experiments you did not have the impression at all that they were, in any way, coerced to take part in these experiments. They participated in the experiments with interest; were, for instance, interested in seeing what altitude a person, who just concluded the experiment before the one they were to take part in, had recovered consciousness, at what height they had handled the parachute. They discussed the experiments among themselves; they would talk shop: One would say: "I woke up at 7,000." The other would say: "I woke up at 6,500." The entire attitude in these experiments showed clearly that these experimental subjects were not only volunteers but were participating in the experiments with personal interest.

Q. I can quite agree with you that they were tremendously interested in what was happening in that chamber. I imagine I would be too if I were one of these so-called "volunteers". But, now I ask you again, how did they volunteer?

A. By applying for the experiments.

Q. Well, did they call these men in and ask them if they wanted to volunteer, or did the men just walk up and say: "I want to go into that chamber and volunteer for these experiments." How did it happen that they volunteered? What was the particular surroundings of

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this volunteer business?

A. In my direct examination I have already explained that a number of persons volunteered for these experiments and one of the prisoners told me that it was approximately sixty. Of these sixty, the experimental subjects were selected whose age and physical condition made them good subjects for the experiments. These experimental subjects were collected in a room at the experimental station and, throughout the entire three months which the experiments lasted, they stayed in this room at the experimental station.

Q. I have heard all that, Doctor.

I'm asking you again, and for the third and last time, how did they volunteer?

A Very simple question.

Do you know or don't you?

A. I'm sorry to say I don't understand the question.

Q. Well, then, in other words, you don't know how these men volunteered for this experiment. You don't know whether they went up and said to the concentration camp commandant "Please, I want to take part in this experiment", or whether the concentration camp commandant called them into his office and said: "Gentlemen, do you wish to volunteer for this experiment?" How did they volunteer?

A. So far as I know, during formations in the camp, and there were two or three every day, they were asked to volunteer for the experiment.

Q. They were asked?

A. Yes.

Q. Well, that's all you know about it.

A. That's all I know about it.

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Q. You don't know whether the concentration camp commandant, or Rascher, or whoever it may have been, published a bulletin, and placed it on the bulletin board which said "Volunteers wanted"? Such a thing as that you've never heard?

A. No, I never heard about it.

Q. You do not know whether these men volunteered at the point of a gun, do you?

A. I know for certain that they were not forced to volunteer at the point of a gun. In my direct examination I have already explained....

Q. (Interrupting) Just a moment, Doctor. How could you know for certain if you weren't there when these inmates were selected? You're pretty positive now. You state for certain you don't know whether these men were coerced or seduced or whatever it may be, or forced into these experiments. You weren't there. You really don't know, do you?

A. I have already explained in my direct examination that, for the experiments we carried out for rescue for high altitudes, it was now possible to work with persons who were not volunteers since it was necessary that the experimental subjects show original initiative, that they should be interested in the experiments. Otherwise, we should not have been able to obtain the results that we did.

Q. Of course, that is argumentative and we will leave that for argument in briefs, Doctor. Let's go on.

Now, after you had had this meeting in Dachau and it had been established that the experiments were to take place and the concentration camp commandant had offered to supply the electricity, etc., you then returned to Berlin, is that correct?

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A. After the discussion in Dachau, we went back to Berlin, yes.

Q. When did you return to Dachau again?

A. M8?

Q. Yes.

A. During the first weeks of the experiments.

Q. Now, experiments had been conducted between the time you left Dachau in the first instance and returned? There had been some experiments in that interval had there not?

A. Yes, experiments had been carried on in that interval.

Q. Did you receive reports daily or weekly, or in what manner, from Romberg during the course of these experiments?

A. At irregular intervals I received reports from Romberg.

Q. Well now, what was Romberg's status here actually? I haven't got it clear yet. Romberg was your immediate subordinate in your institute in Berlin, wasn't he?

A. He was one of my co-workers and was subordinate to me.

Q. And he was still subordinate to you while he was working with Rascher, was he not?

A. That is so, yes.

Q. Are you willing to assume full responsibility for any work that Romberg was engaged in?

A. I am ready to take the responsibility for the experiments that were approved by me; namely, the experiments in rescue from great heights.

Q. Of course, as I understand it, anything that Romberg did was approved by you, wasn't it?

A. Romberg went to Dachau with a very specifically

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set down assignment; namely, to carry out experiments in rescue from great heights and, of course, I must take the responsibility for that assignment I gave to Romberg.

Q. Well now, actually, what was the assignment that you had given Romberg when he left Berlin? Now, bear in mind that you had experimented at great length with this thigh altitude business in your own institute in Berlin, and I imagine that Dr. Benzinger had done the same in Rechlin, and there had been extensive experimentation along those lines. Now, what was the purpose in setting up Dachau? Was there something new to be found or what was it? What was the instruction you gave Romberg?

A. The experiments we carried out in our own institute were, as I have already described, the first part of several experimental series to clarify the question of rescue from great heights. This first part, which was carried out by ourselves through experiments on ourselves, concerned itself with rescue up to the heights of 12 kilometers; namely, in altitudes in which already many of our war planes flew. Now, the second part of these experimental series concerned heights from 12 to 20 kilometers and, so far as this particular series was carried out in Dachau, it included the experimental testing of the question up to what height a parachute descent with or without oxygen, with parachute unfolded or not can be carried out.

Q. Well, then, in brief, Dr. Ruff, the series of experiments which had been conducted in your institute in Berlin went to a limit of 12,000 meters.

A. That is right.

Q. And then it was your express purpose to continue on your research work at Dachau and to investigate the

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situation in an altitude from 12,000, to 20,000 meters,
is that correct?

A. That's right.

Q. Well, why couldn't you have investigated the situation between 12,000 and 20,000 meters in Berlin without going to Dachau?

A. We could have done that in Berlin also. I have already described, already told you what the reasons were for my proposing that the second part should be carried out at Dachau.

Q. It wasn't because of the fact your co-workers or yourself perhaps were obviously reluctant to try to go up to such heights as you had planned to put these prisoners at, was it?

A. No, that was not our reason, because as I have already told you in my cross-examination, I had already conditioned a part of the second half of the experiments in our own Institute namely that part which involved explosive decompression. In my cross-examination I described a few of the experimental series which we carried out in the course of last 10 years at my Institute. If I had taken more time on that I believe this idea that we did not want to subject ourselves to such experiments ourselves would not have been brought up at all.

Q. Well, Doctor, there is evidence here in this same report, and I will hesitate a moment for the sake of clarity, when I refer to your report that means the report of Romberg and Rascher with reference to the two reports of Rascher; in your report, Document NO 402, there is evidence your co-workers Rascher and Romberg made a half hearted attempt to go above 12,000 meters, and they went to 12,500 or 13,500 meters. As said in this report they stopped the experiments because of the intense pain they experienced, isn't that so?

A. No, it is not quite so.

Q. Didn't you say that in the report, Doctor?

A. I have the report here.

Q. I will read it to you, Doctor. It shows here on Page 91 of the English the case of Rascher and Remberg and there experiment there, and two-thirds of the way down the page it states: "At the same time there were most severe headaches as though the skull were being burst apart. The pains became continually more severe, so that at last the discontinuance of the experiment became necessary." Well, now, didn't Rascher and Remberg have to quit after they had reached 12,500 or 13,500 meters, respectively?

A. That is so, and again it isn't so. Now, I didn't make myself quite clear about this yesterday, and consequently I should like to repeat it. There is an essential difference between whether the experimental subject stays above 12,000 meters for 100 seconds or for 40 minutes like in this case. These experiments on themselves by Remberg and Rascher have nothing to do with the descent experiments, such as they were carried out on the experimental subjects. I explained yesterday why they carried out these orientation experiments on themselves at all, that is to say when they were with the experimental subjects several times a day in the chamber then after the second or third ascent they felt pain but not in the first ascent. In other words, the pain increased with the number of ascents per day. And now in order to ascertain whether this pain arose because they had made several ascents, in other words, because of the number of ascents or whether the pain was caused by a protracted stay at great heights, therefore these experiments were undertaken and they then know that

the pain did arise or could arise for that reason. These experiments are mentioned in this report in order to clarify certain symptoms on the part of the experimental subjects. That is the reason why they are mentioned here, and that is why they were each carried out by Rascher and Romberg. It would have made no sense to carry out those experiments on the actual experimental subjects themselves, because first of all the subjects themselves felt no pain, because they remained at the altitude a very brief time and secondly ---

Q. Just a moment. I hope you appreciate I am a very simple person, and it is hard for me to understand some of these things. If you make them briefer then I can understand them better. Then the purpose of this experiment of Rascher and Romberg was to see how long they could stay there; is that what you are trying to tell me, just to see how long they could stay at that height; was it the time limit that they were trying to overcome or what was it?

A. No, they didn't want to find out how long they could stay there, they simply wanted to ascertain whether if you stayed at that altitude for a long time one felt a similar sort of pain, such as the pain they felt when they had entered per day several times in order to observe the experimental subjects.

Q. Then it was a time factor that was involved?

A. It was to be cleared up whether the pain that the people conducting the experiments felt depended on the number of ascents per day or whether the length of time that they spent at the altitude was cumulative in its effect.

Q. Then it did become a problem to you particular researchers just how long a man could remain at that altitude?

A. No, the time limit and experiments in rescue from great heights was permanently definitely determined. When a man jumps from an airplane and does not open his parachute he falls about a thousand meters in 10 seconds. On the other hand, the man who opens his parachute immediately descends in the open parachute at the rate of perhaps one thousand meters in one minute. These time limits have been ascertained in aviation practice, and there was no reason to do any changing of the time proportions.

Q. And then when these deaths occurred in the Roscher experiments what caused these deaths from your knowledge here? Probably you don't know because you weren't there when that occurred at Dachau, but from your knowledge of the documents what caused these deaths?

A. In the case of the first fatality I heard of there is probably why I or no one else could the cause of death for sure. Now from what I know today, namely what I have known since 1946, it is my point of view that this fatality occurred because the subject stayed at a great height, for too long time, namely between 12,000 and 14,000 meters, because one of several small gas bubbles formed in the blood stream and one of the gas bubbles lodged in the little space between the spinal column and the brain. It there stopped up an artery and lead to death. I have come to this conclusion by analogy with the accidents I know of that occurred in the American Air Force, which again could be traced back to the reason.

Q. This air bubble you speak about, what would that be more precisely called; would that have any connection with

this embolism, would that be one and the same thing you are referring to now?

A. That is the same thing, yes. That is also the same as pressure drop sickness.

Q. What is pressure drop sickness, would that be caused from an air embolism?

A. Pressure drop sickness does not occur as a result of an air embolism. The converse is the case. When you are suffering from pressure drop sickness an air embolism can be arised. I am not quite sure whether I make myself clear on this.

Q. That is quite clear. Now, this particular phenomenon of a gas bubble in the blood stream, you say perhaps is the cause of death of that first person in the Rascher experiment; anyone would not be able to determine that when it happens, that you only learned over a period of a number of years after you had seen a number of other experiments, and the things that happened in the other experiments, is that right?

A. On the basis of one such individual fatality it was certainly not possible to determine the cause. Only the repetition of similar such do this would lead one to the conclusion that that was the cause of the death. I should like to emphasize that this is only my personal opinion that this was the cause of death, and I readily admit that they might have died for other causes. However, that is the only diagnosis I could find.

Q. Well, was this condition you have explained here at that time, we are going back to the Rascher experiment, -- at that time was it something new, the condition you have just determined now to perhaps have been the cause of the death in 1942, was that condition as compared in

high altitude research something new, in other words
did Rascher accidentally discover something new, and not
know about it?

A. Rascher didn't discover anything.

A. Rascher did not discover anything.

Q. Well, how about air embolism; did you always consider the fact of air embolism in connection with all your experiments?

A. With what experiments?

Q. In the high altitude experiments.

A. You mean rescue from great height?

Q. Yes?

A. In these experiments about high altitude rescuing we did not take air embolism into account.

Q. I see. Well, now Doctor, could you tell us just what air embolism is, very briefly so that myself and the Tribunal will understand it and try to put it in layman's language for us, will you please?

A. Under the expression air embolism one understands the occlusion of a larger or a smaller blood vessel through an air bubble or a gas bubble.

Q. Well, now, how can you as a physician ascertain such a state, such a condition; how is it possible to ascertain whether or not a person is suffering from air embolism?

A. You ascertain this on the basis of the symptoms that such air embolism causes. It depends entirely on what organ, what tissue or what part of the body has the air bubble, in it, and on that depends the symptoms because this air bubble prevents the blood from circulating in the blood vessel in which it is located.

Q. What I am getting at is, can you diagnose it; for instance is pain a proof of air embolism?

A. A general air embolism does not cause pain.

Q. I see, well suppose you are looking at one of the subjects; how can you determine whether or not they

are suffering from air embolism; what would be your way to diagnose this condition?

A. First, I should have to suspect that some form of air embolism was present. I could only have this suspicion if there are some symptoms of deficiency, and on the basis of these symptoms of deficiency, I can under certain conditions form an impression of where the air embolism is blocking off.

Q. Then it is most difficult, is it not, to diagnose air embolism on a living man?

A. To diagnose air embolism, if one diagnoses air embolism, that of course is only a diagnosis of probability and conjectures in most cases.

Q. Then, the only way you can actually ascertain that air embolism existed would be on a dead man by an autopsy or as Rascher did by keeping a dead man under water etc.; that is the only way you can determine if the state of air embolism exists?

A. It is usual in pathology that if you suspect that there is an air embolism for instance, in the heart or in the pericardis, you carry out the dissection of this organ under water.

Q. Let us look at Rascher's two reports, the first one being on page 60 of the English Document Book, Document No. 2, which is Document 1971-A PS. The first page of the Document is a covering letter, Dr. Ruff, what I am trying to get you to do, Dr. Ruff, is in the best manner you can describe to the Tribunal this situation of air embolism, inasmuch as it is referred to in Rascher's report. Rascher could probably answer the question better than you however, I want you to go over this with us. This is the first report, under No. II,

if you will go down to the line, "The experiments conducted by myself and Dr. Romberg proved the following, " then skip one, two, three and the fourth paragraph under that statement; do you have that? This will be under paragraph 2 in the report. ---What is the trouble? ---- It is under No. 2, you will see the second paragraph starts out with the words, "The experiments conducted by myself and Dr. Romberg proved the following:" Then if you will jump down to the fourth paragraph under this section, which starts out: "The third experiment of this type took such an extraordinary course...." Do you have that Doctor?

A. Yes, I have.

Q. Now, I want to read this to you, Doctor, and see if you can help us with this problem.

"The third experiment of this type took such an extraordinary course that I called an SS physician of the camp as witness, since I had worked on these experiments all by myself. It was a continuous experiment without oxygen at the height of 12 km conducted on a 37 year old Jew in good general condition. Breathing continued up to 30 minutes. After 4 minutes the experimental subject began to perspire and to wiggle his head, after 5 minutes cramps occurred, between 6 and 10 minutes breathing increased in speed and the VP experimental subject became unconscious; from 11 to 30 minutes breathing slowed down to three breaths per minute, finally stopping altogether.

"Severest cyanosis developed in between and foam appeared at the mouth.

"At five minute intervals electrocardiograms from 3 leads were written. After breathing had stopped, dissection was started."

Now, in this autopsy report it is apparent that Dr.

Rascher found this condition of embolism, inasmuch as he states after his autopsy in the second paragraph and if you will turn to the second paragraph, under the "Autopsy Report," he states:

"One hour after breathing had stopped, the spinal marrow was completely severed and the brain removed. Thereupon the action of the auricle stopped for 40 seconds. It then renewed its action coming to a complete standstill 8 minutes later. A heavy subarachnoid edema was found in the brain. In the veins and arteries of the brain a considerable quantity of air was discovered. Furthermore, the blood vessels in the heart and liver were enormously obstructed by embolism."

Well, now was that the only way that Rascher could have determined that this subject was suffering from air embolism was to perform an autopsy; he definitely found that condition, you see, Doctor?

A. Yes, it is certainly true that he found this condition in this autopsy.

Q. Well, now, this picture which we have to put into evidence here; is it possible from this picture of the brain to diagnose air embolism; it might perhaps be the light, but you can see some bubbles in this picture, so I have had it enlarged for your benefit to look at. Do you perhaps see those light spots; would that perhaps be air embolism?

(The picture is shown to the witness.)

A. Yes, that is air embolism, but the discovery that air is in these vessels does not mean that the vessels are obstructed. These air bubbles in the blood vessel can be present without their leading to any disorders. We know from experimental medicine, for example, that an injection

of air, let us say at 100 cubic cms. can be made into a blood vessel without the experimental subject noticing anything at all. In other words, the effect of air in the blood stream depends entirely where that air gets to.

Q. Would you kindly pass back that photograph? I want to show it to the Tribunal, so that they can get a picture of just what this condition is.

THE PRESIDENT: Will the Secretary General procure a copy of Prosecution Document Book 2 for the Tribunal?

MR. HARDY: This, Your Honor, is an enlarged version of what appears in Document Book 2 and you can quite clearly see what Dr. Ruff has pointed out.

Well, now, Dr. Ruff, on page 76 of this Document Book, which is Rascher's second report, the report of Rascher dated 11 May, to the 1st, 2nd, 3rd, 4th, 5th, 6th, the 6th paragraph under No. 7. It starts out. "To find out whether the severe physical and physical effects." Do you have that Doctor?

THE WITNESS: I have paragraph 6 and 7, yes.
Experiments as Perutkin and.....

Q. This is paragraph 6 under No. 7, and it starts out: "To find out whether the severe psychical and physical effects, as mentioned under No. 3, are due to the formation of embolism, the following was done." Do you have it now?

A. Yes, I have it.

Q. It states here: "To find out whether the severe psychical and physical effects as mentioned under No. 3, are due to the formation of embolism, the following was done." Now before we go into that it appears apparent that Dr. Rascher deemed it necessary to conduct an autopsy under water until.... in order to find out whether or not this embolism condition existed in this particular experimental person. Now his purpose in doing this, as it states, was to find out whether or not this condition of embolism was the cause for the severe psychical and physical effects. Well now from your experience since that time with the American authorities and your past experience, was Rascher correct in performing an autopsy in order to find out this condition, or could it have been ascertained without such an autopsy.

A. It is not altogether easy to answer that question. I think the situation is that whether or not there is a case of air embolism, one can say from the symptoms with pretty great certainty whether embolism is present, but for a more certain answer or an absolutely certain answer, you have to carry out an autopsy. For example, if after an operation, death occurs through embolism, then of course the autopsy is the first thing that absolutely determines for certain the cause of death.

Q. Well now let us read this: Rascher states:

"After relative recuperation from such a parachute descending test had taken place, however before regaining of consciousness, some experimental persons were kept under water until they died. When the skull and cavities of the breast and of the abdomen had been opened under water, an enormous amount of air embolism was found in the

vessels of the brain, the coronary vessels, and the vessels of the liver and the intestines, etc.

"That proves that air embolism, so far considered as absolutely fatal, is not fatal at all, but that it is reversible, as shown by the return to normal conditions of all of the other experimental persons.

"It was also proved by experiments that air embolism occurs in practically all vessels even while pure oxygen is being inhaled. One experimental person was made to breathe pure oxygen for two and one-half hours before the experiment started. After six minutes at a height of 20 kilometers he died and at dissection also showed ample air embolism as was the case in all other experiments.

"At sudden decreases in pressure and subsequent immediate falls to heights where breathing is possible no deep reaching damages due to air embolism could be noted. The formation of air embolism always needs a certain amount of time."

Well now were you familiar enough with air embolism to have been able to determine this that Rascher found, or do you agree with what Rascher states here?

A. No, I do not agree in every point at all with what Rascher says here. Rascher says here that:

"That proves that air embolism, so far considered as absolutely fatal, is not fatal at all, but that it is reversible as shown by the return to normal conditions of all other experimental subjects."

Now this is a finding which Rascher made on the basis of his ignorance, and the case really is not air embolism. I said before what the effects of air embolism are depends on where the embolism is in the body. If the embolism is in the brain and in the vital part of the brain it can be fatal. If that embolism is located in the heart and in the neighborhood of the heart, it can also be fatal, because it interrupts the entire circulation of the blood. If it is located in the fatty tissue of the abdomen that cuts off a certain part of that tissue from blood irrigation, and then necrosis

develops which is quite harmless. In other words, it also depends on, first, how large the embolism is, and secondly, where it is located. A few minutes ago I said that long before Rascher made this discovery, experiments were carried out in which air was injected into the blood stream, and it was then observed that even large amounts of air, such as 100 cubic centimeters could be absorbed by the experimental subject with no danger or damage to himself at all. However, this experiment did not prove that 100 cubic centimeters of air in the blood stream are always harmless, because if that air reaches the right places it will cause an embolism so that air can be fatal.

Q. Now you will notice in the paragraph just above, six, that is paragraph 5, but in the same section of the report Rascher said:

"For the following experiments Jewish professional criminals who had committed race pollution were used. The question of the formation of embolism was investigated in 10 cases. Some of the experimental subjects died during a continued high altitude experiment; for instance, after one-half hour at a height of 12 kilometers. After the skull had been opened under water, an ample amount of air embolism was found in the brain vessels, and, in part, free air in the brain ventricles."

Well now it seems to me that Rascher did a great amount of experimentation to determine the cause of

death or the causes for these conditions of drop pressure, drop sickness or high altitude sickness. Were you as interested as Rascher was in whether or not air embolism was the cause of these things, or was that purely a side line of Rascher's part?

A. Of the experiments which were here described I know only what is in this report here and no more, and I saw this report for the first time when it was put in evidence in this trial. What Rascher's ideas were about the experiments I don't know. For us these results that he here sets forth would not have been entirely uninteresting, of course, but for all practical purposes those results played no role in what we were doing, because as I said in the thousands of experiments that we carried out in German medicine at such altitudes on soldiers or others, we never had a fatality, or that we had no reason to inquire into the reasons for fatality.

Q. Well then any question about -- concerning air embolism, did not appear in the experiments that you and Remberg had any authority over, did it? What I am getting at here, it appears to me that the criminal aspect of Rascher's work was his strange desire to find out just what air embolism did and whether or not he could determine how a person was suffering from it, and consequently he killed these people, or left them up in the air long enough so that they died, and then he autopsied them, and that appears to me to be a crime in itself, and it appears from your testimony you were not involved in these matters. Now were you interested in finding out whether or not air embolism was one of the causes for the pressure fall sickness?

A. That pressure fall sickness has something to do with the freezing of the nitrogen from the blood or tissue was known very well at that time. Rascher's experiments were all together unnecessary to ascertain that, because it was already known.

Q. Well now it seems to me that in the course of these

experiments there would be two things to consider, one would be the altitude sickness as considered by lack of oxygen, and the other would be your so-called pressure drop sickness, which would be where the function of air embolism would come into play. Now did it appear in the course of your experimentation that this pressure drop sickness was caused by something else rather than the lack of oxygen?

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A Pressure fall sickness has nothing to do with the lack of oxygen. I have already described during my direct examination that there is a certain zone, namely, the zone between 12 and 14 kilometers, or let's say, 12 and 13½ thousand kilometers; and in this altitude there is no sickness among the passengers nor pilot of a plane. That is to say, if they are adequately supplied with oxygen. But drop pressure fall diseases can occur. In other words, this proves that pressure falls have nothing to do with the supply of oxygen. That is an entire different matter, pressure fall sickness occurs as a result of the general reduction of the air pressure in which the person finds himself.

It is similar to the symptoms that occur when a deep sea diver rises from a considerable depth and does not do so slowly enough; in other words, the pressure on him is reduced. It is similar to the so-called caisson sickness. This is the same sort of disease that you notice with persons who have to work in caissons when they come from the caisson, which is a chamber under pressure. If they come from it too rapidly then they have similar symptoms as one finds in pressure fall symptoms. But what I am saying now is not something that was learned from these experiments of Rascher's; it is something that has been known for a long, long time.

Q I see.

THE PRESIDENT: Counsel, the Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY MR. HARDY:

Q. Now, Doctor, we have about completed our discussion of this business of air embolism and I have gathered from what you have told me that in your experiments on rescue from high altitudes you were not particularly interested in collecting data on pressure drop sickness or air embolism, were you?

A. That is correct.

Q. Well, now did the problem of pressure drop sickness or air embolism enter at all into your research on rescues from high altitude at that time or later on after the Dachau work or during the course of your time at the Aero Medical Center? Did this problem of pressure drop sickness or air embolism ever enter into any of your research on rescues from high altitude?

A. Regarding the complex of questions concerning itself with protection from high altitude this did not bother me. After the Dachau experiments I personally concerned myself with pressure fall diseases. This was from the year 1945 to 1946 at the Aero Medical Center at Heidelberg.

Q. Well, was there anything found in your experiments on rescue from high altitude that could have contributed to the problem of whether or not pressure drop sickness with air embolism was present in addition to the oxygen lack? You understand the question?

A. I don't understand you.

Q. I ask again. Was there anything found in your experiments on rescue from high altitude that could have contributed to the problem of whether or not pressure drop sickness with air embolism was present?

A. No, not really. These experiments had had nothing to do with the reason for the origination of this pressure fall disease.

Q. I see. Well now, Doctor, in this Document 402, which is on page 82 of the English copy, Document Book II, which is Exhibit No. 66. For your convenience, Doctor, I have the original here that I will pass

up to you so that you can follow it better. Would you kindly keep it in the order which it is now in. Now, on the first page there appears there your signature. Is that correct? Is that your signature?

A. Yes, that is my signature?

Q. Also the signature of Romberg?

A. Yes, that is correct.

Q. The first page is a cover letter to the report itself, is it not?

A. Yes.

Q. Well now, how many copies of this report did you make in the first instance?

A. I cannot tell you that exactly as to the number. I estimate that approximately a dozen of those reports were sent, which would mean a dozen of those copies, but that is only a approximation.

Q. What did you do with the first, the original copy? Did you keep that yourself, the original report, and just send out the copies?

A. I am sure that one of these reports was kept by us.

Q. I see. Well, now I notice here that this report is addressed to the Reichsfuehrer-SS, Berlin, and it states, "Inclosed we submit copies No. 2, 3, and 4 of the report on the experiments on rescue from high altitude for your files." And your signature appears. Well now, you were not connected with the Reichsfuehrer-SS. Your experiments were separate and apart from the Reichsfuehrer-SS. How do you account for addressing these reports to him?

A. The Reichsfuehrer-SS has demanded that all reports about these experiments would have to go through him. He was the man in whose sphere the experiments were carried out and he wanted these reports to be sent to him at first.

Q. I see. Well now, Doctor, this report here doesn't contain any of the information that is set forth in some of the Rascher reports. For instance, the deaths, etc. How does that happen?

A. Because the fatalities which occurred during the experiments of Rascher had nothing to do with our experiments - experiments for the

rescue from high altitude - and didn't occur there. As a result there was no reason to incorporate these deaths in that report.

Q. Well, now. Rascher had these deaths that were connected with his research for air embolism and likewise that had nothing to do with your particular phase of the experiments, did it?

A. The experiments which were carried out by Rascher for reason of research in air embolism have nothing to do with the experiments carried out for the purpose of rescue from high altitude.

Q. Is that why you had no mention of air embolism in your report? That's why you didn't bring that factor up, isn't it, because it had nothing to do with you and you hadn't heard about it?

A I said, during my direct examination, what I heard about Rascher's experiments from Romberg when a death occurred. He told me that Rascher wanted to take notes of the register of the electrocardiogram in the case of this pressure fall sickness. What I knew when this report was compiled was, first, of all, that Rascher, in addition to our experiments for the purpose of rescue from high altitude, was carrying out other experiments and that, in the course of these experiments which were carried out by order of Himmler, deaths occurred. As to the manner of the experiments Rascher was carrying through, I only knew that he was using the electrocardiogram in the case of these pressure drop sickness. This is all I knew about these other experiments when compiling my report. In other words, I knew exactly that deaths which occurred during Rascher's experiments had nothing to do with the experiments for the purpose of rescue from high altitudes. For that reason, there was no occasion to incorporate these death cases in that report for two reasons: one, that they did not occur during our experiments; and, secondly, the other experiments were only known to me in very broad outlines and I only knew about a part of these experiments. You can see from Rascher's intermediate reports that he had carried out a number of various experiments. For that reason, I could not embark on the idea to incorporate any thoughts that Rascher may have had, during the course of his experiments, in my report.

Q Well then, all this material that Rascher had collected concerning air embolism, since you didn't discuss it with him, since you didn't know about it, had no knowledge about it at all at that time, until such time as you were served with these documents in this case — is that the reason why this report contained or made no mention of the data concerning the facts that Rascher found in connection with this air embolism business?

A No, this report, as it is stated here, is a report for the purpose of rescuing people from high altitudes. The additional experiments of Rascher had nothing to do with these experiments. Even today, after

these intermediate reports are available to me, I can still say that these experiments had nothing to do with the experiments for the purpose of rescue from high altitudes, and that was the reason.

Q Well, Doctor, we won't linger on this any longer. We will go to page 91 of your own report. Obviously, you slipped up when you wrote this. Page 91 of the English which is page 16 of the original document, Doctor, and it will be the last paragraph on page 16 of the original document. Do you have that?

A Yes.

Q Now, it starts off: "In spite of the relatively large number of experiments, the actual cause of the severe mental disturbances and body functions (paralysis, blindness, etc.) attendant upon post-hypoxemic twilight still....."

A Just a moment. Page 16 of that report starts with a different text.

Q This is on the last paragraph of the page - of 16 of the report.

A Yes, thank you.

Q And I will start again:

"In spite of the relatively large number of experiments, the actual cause of the severe mental disturbance and body failures (paralysis, blindness, etc.) attendant upon post-hypoxemic twilight still remains something of a riddle. It appeared often as though the phenomena of pressure drop sickness (aerocembolism) had combined with the results of severe oxygen lack."

Now, how did you know that it "happened often as though the phenomena of pressure drop sickness had combined with the results of severe oxygen lack" had it not been for the fact that Mr. Rascher, Mr. Romberg, and Mr. Ruff had their heads together in each and every one of these experiments?

A I didn't understand the question.

Q Well, first of all, the first sentence says that "a large number of the experiments found the cause of the severe mental disturbances and

body failures" and then you state in the last four - five words "the twilight still remains something of a riddle." Now, didn't Mr. Rascher supply the answers to that riddle when you go on to state "It appears often as though the phenomena of pressure drop sickness air embolism, had combined with the results of severe oxygen lack?"

Now, I ask you, how did you know air embolism without Rascher's work?

A There is no mention of this air embolism. I note the sentence "It appeared often as though the phenomena of pressure drop sickness had combined with the results of severe oxygen lack". This is entirely different and has nothing to do with what you have just said. You cannot say, as I already stated before, that pressure drop sickness and gas embolism is the same. I tried before to explain that, in the case of the pressure drop disease, gas embolism can appear. That, of course, is not absolutely necessary and does not follow. Therefrom our knowledge came which enabled us to discuss this question as to whether air pressure sickness would play a part in these serious symptoms can be seen on the next page. On the next page we have the two experiments by Romberg and Rascher.....

Q. Just a moment, Doctor.

DR. SAUTER: Mr. President, the copy which is available to the Prosecutor must in some way be different to the original, which is before me and which was also available to the defendant Ruff. The Counsel for the Prosecution has repeatedly read "pressure drop sickness, Air embolism, etc." He wrote that twice. In our original, however, there is no work mentioned of "air" or "embolism." I should like to point that out to you at this time so as to avoid the Prosecutor reading a text to the defendant, which is probably just an error on the part of the Prosecution. I want to state expressly that in the German copy and the original there is no mention of embolism.

MR. HARDY: That is correct, Your Honor. The English contains the word in parenthesis "air embolism" and the German original text does not. We will go on, Doctor.

Q. Now, on page---

DR. SAUTER: Mr. President, if what the Prosecutor has just said is correct I ask that the Document Book be rectified accordingly. Secondly, it may be expedient to explain at this moment how it is possible that an expression is introduced into a document which is not contained in the original, and it must of necessity mislead any person reading that document. I don't think that this is a tenable situation where such an erroneous expression gets into a document which is available to the Tribunal and upon which the Tribunal has to base its judgment.

THE PRESIDENT: Several times during the course of this trial similar errors have occurred and have been discovered. These matters are rather serious and when matters like this are found, the document book, the

the original and the copies in the possession of the Tribunal should be corrected so they speak the truth and show correct translations of the original documents. These errors are serious and cause a great deal of delay in the trial and a great deal of trouble for counsel and for the Tribunal. Some of the errors are apparently interpolations which have been inserted in the document, by whom or under what circumstances, of course, the Tribunal is not advised, but any such errors as this which are found should be immediately corrected by preparing the sheets, the mimeographed sheets calling attention to the volume and page where the error is found, and also the correct translation.

Q. Well, now, Dr. Ruff, is pressure drop sickness in an average or standard German dictionary defined as air embolism or vice-versa?

A. No.

Q. Is it common to say----

A. One has to distinguish there between two matters, firstly, pressure drop diseases are used in the English usage as bense and chokes, and then there is another designation "air embolism." Air embolism, however, does not at all mean gas embolism. These are two entirely different expressions. Air embolism in the English usage means that the complaints arise through the release of nitrogen within a person's body. It isn't a very exact designation. Gas embolism in medicine and air embolism are two entirely different matters.

Q. Well, now, will you explain to us how you found that it appeared often as though the phenonoma of pressure drop sickness had combined the pressures of severe oxygen lack?

A. I said that after these sentences it is explained how this conclusion could be drawn. It was drawn as a result of the self-experiments by Rascher and Romberg, then that experiment pressure drop sickness---

Q. Just a moment. It appears from the Rascher-Romberg experiment that they had performed on themselves, is that what you mean?

A. Yes, it says that in this regard observations are important carried out upon the person. I will read in this connection "the subjective accounts made by the authors in two experiments each were interesting." This is the following sentence.

Q. It says here it appears often now, in what other experiments did it appear?

A. In the case of these drop experiments from a 15 kilometer altitude during which these more severe symptoms of altitude sickness appeared, and which are explained in detail in this report. It seemed as if during this sickness the lack of oxygen and the pressure drop sickness combined.

Q. Well, now, I wish you would turn to page 95, which would be page 22 of the original, and this is section 3, that is Roman numeral III entitled "Discussion of the Results."

A. Discussion of the Results.

Q. Do you have that?

A. Yes.

Q. Well, now, it says here "The descending experiments without oxygen show that the limit for a safe escape with an open parachute lies approximately at a jumping altitude of 13 Kilometers." That is 42,700 feet. "Since in a jump from 13 kilometers recovery of consciousness occurred only

1.6 kilometers." And so one must always consider the possibility of landing in an unconscious condition with all the attendant dangers. Well, now, it is apparent that you have decided that a safe altitude is 13,000 meters, is that correct?

A. Yes, 13,000; yes, it is said here 13,000. The conditions as they are entitled in this sentence, non-oxygen and pressure drop sickness, which means a descent when the parachute was unfolded, and in that connection the limit was considered to be 13,000 meter. That is correct.

Q. Did you actually sent men up to an altitude higher than 13,000 meters?

A. Yes, that is true----

Q. And how do you justify doing that; 13,000 meters is determined to be the highest you can go and still be safe?

A. Firstly, the determination of this save limit was only possible after the conclusion of the experiment. I can only determine a limit if I notice when reaching that limit that I can go on no longer, and after having concluded some experiments subsequently which had gone beyond this limit. Say that for practical conditions I would have to consider that the limit lies at 13,000 meters. The conditions which prevailed when we lay down the limit of 13,000 meters were only derived after having experienced a 15,000 meter height. After these experiments I could say that in an altitude of 15,000 meters a flyer who has no oxygen at his disposal and whose parachute is unfolded at 15,000 meters cannot be saved without injuries, because when landing on the ground he is still unconscious and that when landing on the ground he could of necessity be injured or in case of dropping into the water he would drown.

Q. Well, then, you do agree, inasmuch as you were unable to determine before the experiments started, just how high a man could go up, but these were extremely dangerous; were they not, these experiments?

A. These are two different matters, the ignorance whether one can ascend to these limits or not and the danger which may be incurred through the experiments. They have nothing to do with one another. I should like to give you an example, I should like to assume if a human being can carry out one hundred knee bends, unless I can experiment on him, I don't know. On the other hand, you cannot maintain that I could say whether this is dangerous or not, because I don't know before hand if it is possible for him to carry out one hundred knee bends or or not.

Q. Would it not have been then the proper thing to experiment first in any of the things, which you speak of in the report, to experiment on animals to determine the effect there before having resorted to human beings?

A. Naturally, we also performed animal experiments, but these animal experiments can only roughly inform us. In this report you find a comparison made between animal experiments, which were carried out by Iutz at the Institute of Woltz and our experiments and the results of these two experiments do not only differentiate themselves from a quantitative point of view, but also from a qualitative point of view; that is the altitude which you can use by using an animal can never be the same, as you use when using a human being, it can be higher or lower. Here we not only have a quantitative difference in the experiments, but we found that we also had a qualitative difference. In other words, the reaction

of the animal conducted experiments was entirely different from that of experiments on human beings.

Q. Just a moment, you said that Lutz and Wendt experimented on animals and you gained your knowledge from Lutz and Wendt; is that right; and that is, why it was not necessary for you to experiment on animals; is that what you are trying to tell me?

A. No, perhaps I did not express myself clearly. All I said, was that a proof is to be found, that such experiments cannot be carried out on animals, in this very same Document, where the results of the animal experiments carried out by Lutz and Wendt are being compared with the experiments on human beings. The results of the animal experiments, carried out by Lutz and Wendt were not known to us when we executed these experiments and this is something which is actually contained in the report. This only came to our knowledge after the end of the experiments.

Q. Then, how do you justify experimenting on human beings before you experimented on animals; Lutz and Wendt used animals, you did not even go that far.

A. I was just saying that naturally we were carrying out experiments on animals before the experiments on human beings, in order to clarify the trend to which these experiments would have to be molded. Yesterday, I tried to explain that there are a number of questions which crop up in medicine, especially aviation medicine, which cannot be clarified by the use of animals. The responsibility for not having carried out these experiments on animals instead of human beings, I can well assume as a scientist and as a physician.

Q. May I call it to the Tribunal's attention on page 96 of the English Document Book, Ruff's report states: "Unfort-

unately this work was not available to us during those experiments, so that we could not build upon the valuable results contained in it and derived from numerous animal experiments, or upon the experience of the authors."

Well, Dr. Ruff, when did Romberg first report the death to you?

A. Naturally, I cannot state today exactly, but I should say it was in April.

Q. March maybe or April of 1942, is that it?

A. I did not say anything of March, I spoke here of April.

Q. You said downstairs in answer to Mr. Denny that you assumed it was in March of 1942; now do you assume that it was in April rather than March?

A. When answering Mr. Denny's questions, I never said March.

Q. Well, now, when you received this report from Romberg about the death of an inmate, just what did Romberg tell you?

A. I have tried to explain it several times. Romberg came to Berlin and reported to me that Rascher, by order of Himmler, was carrying out other experiments than ours designed for the rescue of high altitude and during this other experiment a case of death had occurred. He further said that during the experiments, which Rascher was carrying out, he intended to study the heart in the case of pressure drop sickness.

Q. Now, was this the first time that you realized that there were actually two sets of experiments going on; the Rascher, Ruff and Romberg experiments and then the Rascher experiments which he did exclusively; when this report was reported, was this the first time you realized you were cooperating with Rascher only in the Luftwaffe experiments?

A. When Rosenberg at that time came to Berlin, I heard as far as I know for the first time that there existed at all, in addition to our experiments for the protection from high altitude other experiments, which were carried out by Rascher by order of Himmler.

Q. Well now, upon receiving the report from Rosenberg about this then what did you do?

A. I already stated what we considered about the matter. We came to the conclusion that it would be best to conclude the experiments as quickly as possible. I had reported this matter to Hippke and Rosenberg returned to Dachau in order to conclude the experiments, subsequently the chamber was taken from Dachau.

Q. While we are on the point of the chamber, you state that the chamber was taken from Dachau by rail; that you loaded it on a railroad, in connection with the book which Dr. Sauter presented to you in direct examination and that it took some eight hours to load the chamber; I presume it took nearly eight hours to unload the chamber. Would it not have been easier to load the chamber on a truck and drive to Berlin; was there a gasoline shortage?

I did not get any answer.

THE INTERPRETOR: I did not come through.

BY MR. HARDY:

Q. Will you start again please.

A. From the Document, which was submitted by Dr. Sauter yesterday from the book of my mechanic, I said there is no indication about the time, which was necessary for the loading of the low pressure chamber, with the exception that my mechanic had to work on a certain day for so many hours when unloading the chamber. From these hours of work, one cannot conclude the entire amount of hours, which were

necessary for the loading or unloading of that chamber. The transport back of this chamber by rail actually resulted on the basis of the lack of fuel. There we were not concerned with gasoline, but with diesel oil. As I already said during my direct examination, diesel oil was terribly scarce in Germany and was essentially reserved for the submarines. It was impossible to receive permission for a journey from Munich to Berlin and get the corresponding amount of diesel oil for that purpose. That is the reason why the chamber was transported by rail.

Q. Well, now after these deaths were reported to you, or after this first death, did you order any steps to be taken with reference to Rascher?

A. I stated that our experiments were to be concluded as quickly as possible and that we tried to get the chamber out of Dachau.

Q. I ask you again, did you take any steps against Rascher?

A. No, I did not take any steps against Rascher. I could not do that.

Q. Here is a person who had died and you have not done anything about it; is that right?

A. It is correct that a person died; it is not correct that I did nothing about it. I saw that this chamber was removed from Dachau, which meant that Rascher was deprived of the opportunity of carrying out future experiments.

Q. Now, did Rosenberg report any other deaths to you?

A. Yes, that is right.

Q When?

A As I said already during my direct examination that during the time which elapsed between the return of Romberg and the final return of Romberg to Berlin, we were repeatedly in telephonic contact with one another. During one of these telephone conversations, and as far as I remember the last one, Dr. Romberg told me Rascher was carrying out further experiments and on that occasion he indicated something had happened again. After his return to Berlin he confirmed my assumption which I had during the telephone conversation and actually told me another two persons had lost their lives during these Rascher experiments.

Q Did you do anything about that?

A There was nothing for me to do. The chamber at that time had already been removed from Dachau. The experiments had already been concluded and when I reported this matter to Hippke that the chamber had been returned, I at first told him verbally about the result of the experiments and at the same time informed him about these facts.

Q Was Rascher still in the Luftwaffe at that time?

A Rascher at that time still belonged to the Luftwaffe. I believe that at that time he was trying to be transferred to the SS. Rascher, therefore, from a military point of view belonged to the Luftwaffe, but as it has become evident from a number of documents, he has been made available to the SS or rather Himmler.

Q Well now would you tell us just what function the electrocardiogram served?

A The electrocardiogram served the purpose to master the electrical vibrations which occurred in the heart whenever it is active. Each muscle and every other tissue produces by its activity an electrical current. In the case of the heart this current is rather strong and one easily succeeds in registering this electrical current in the heart.

Q Well no do you use an electrocardiogram each time you are conducting one of these high altitude experiments?

A No, I cannot answer that question exactly, but I don't believe that in the case of all experiments electrocardiograph registers were made.

Q Was it used in the high altitude experiments?

A Yes.

Q Well now, if Romberg was using the electrocardiogram in these experiments, he was doing that for the benefit of the Rascher, Ruff and Romberg work, wasn't he?

A He used the E K G whenever it seemed advisable to him when carrying out experiments for the purpose of rescue from high altitudes. Apart from using it during the high altitude experiments, he used the E K G in order to supervise and observe the experimental subjects. Before the beginning of the experiments he registered the heart of the experimental subjects.

Q That is right. Let's look at Mr. Romberg's affidavit, which is document NC 476, on page 2 of Document Book 2. This is the paragraph No. 6 in the affidavit, No. 6: "I witnessed the death of three of Dr. Rascher's human experimental subjects during the experiments. The first death occurred in the latter part of April, and on this particular occasion I was studying the electrocardiogram by using the experimental subjects."

Romberg was your subordinate, wasn't he?

A Yes, that is true.

MR. HARDY: No further questions, Your Honors.

THE PRESIDENT: Is there any re-direct examination by defense counsel?

RE-DIRECT EXAMINATION

BY DR. SAUTER:

Q Dr. Ruff, I should like to clarify a number of points which have been raised during the course of your examination which require clarification.

Counsel for the Prosecution has repeated your testimony regarding the voluntary nature of the experimental subjects and he stated that according to your testimony sixty experimental subjects were selected at Dachau, and I think ten or fifteen of these sixty were actually used for the experiments. In order not to allow any erroneous opinion appearing I shall ask you once more. Did the Camp Commandant or Dr. Rascher or any one else select a group of sixty experimental subjects who were then to be used for the experiments, or is it rather true as you already stated during your direct examination that this group of approximately sixty persons volunteered and then, Rascher, Heff or any one else selected from these sixty volunteers those persons who were to be used for these experiments on a certain date? How was the true situation?

A Already yesterday I have tried to illustrate that point. According to my information sixty persons all together volunteered. Of these sixty people, approximately 12 were selected, who, because of their health and physical condition, complied with the conditions which we needed for our experiments. These ten or twelve experimental subjects were housed together in the experimental station throughout the entire length of the experiment. These ten or twelve persons, are the experimental subjects were for the experiments as it is stated in our report.

Q This, I think, finally clear up that point. The second correction, Dr. Ruff, when describing these experimental subjects, you repeatedly used the expression "Sicherheitsverwahrung", people in protective custody, and you said that these were profession criminals who had been placed into protective custody and for that reason were sent to Dachau. I heard in the meantime that this expression "sicherheitsverwahrung" was in the English translation expressed as protective custody. The difference is the following: The "sicherheitsverwahrung" of which Dr. Ruff was speaking, according to German law, could only be used in the case of professional criminals, and was ordered by the court. Protective custody on the other hand,

which is a very similar expression, although containing a different content, has nothing whatsoever to do with justice or any court. It was carried out mostly for political reasons, completely arbitrarily, and without any justice or sentence. Dr. Ruff, is it correct what I just told you?

A Yes, it is true.

Q I would now like to rectify a further error. At the beginning of the trial a witness Lutz was heard who at one time had been employed at Professor Waltz' office. Dr. Lutz at that time stated he was principally opposed to experimental subjects because he wasn't robust enough, he wasn't rough and strong enough. When using this expression "robust" under quotation marks, he was asked what he really meant by it. As I see from the record of the 12th of December, he replied, and I quote:

"I should like" - and then a little pause, and the sentence wasn't completed. Then the witness continues, and I quote: "It is even difficult to take a dog for experiment who has a soulful look in his eyes," end of quote. So far the testimony of the witness Lutz, who, I think is still today in the Dachau concentration camp as an old Austrian SS man, Dr. Ruff was told that Dr. Lutz's testimony read as follows, and I quote: That is what I understood from the German translation, it was said that Lutz wouldn't even carry out the experiments on a dog that Ruff had been carrying out on human beings. I am sure that this repetition of Dr. Lutz' testimony was erroneous, and I should like to rectify that in order to prevent the defendant Ruff from being incriminated by an erroneous statement in the record.

Q. Dr. Ruff, the question of whether animal experiments could have been used instead of your experiments was discussed; and you stated that in the case of the high altitude experiments which you were to carry out the use of animal experiments was often impossible. I am now asking you, Dr. Ruff, is it correct that during your high altitude experiments--and I am in particular referring to the altitude sickness which plays a part--the essential points consist of the fact that the experimental subject, after awakening from unconsciousness, reaches out above his head and then pulls the lever of the parachute with all his strength. Naturally a guinea-pig cannot be trained sufficiently to cause it to pull the lever of the parachute after awakening. You will agree with me there, won't you.

A. This is no doubt correct.

Q. Dr. Ruff, upon a question by the prosecutor, you said--or at least you said when he asked you--that you didn't know who exactly told you that these persons at Dachau were volunteers. That is, at any rate, how your answer sounded, even though you may protest against it at the moment. You were asked: "Was Dr. Romberg present? Does he know it from his own knowledge? Was he there when these people were asked? You said, "No." Then you were asked: "Was Hippke there?" and you said "No", and so forth, until at the end it was that, "In that case, you don't know who exactly told you that these people were volunteers." Then you answered, and I quote: "That is correct."

I believe that you really wanted to say something else because in addition to Dr. Romberg and Dr. Hippke other people confirmed it to you that these persons were

volunteers. Who were these other persons?

A. Prof. Weltz, Rascher, and the camp Commandant.

Q. Weltz, Rascher, and the camp Commandant. Rascher and in particular the camp Commandant were in fact the people who had personally spoken to the prisoners?

A. Yes.

Q. I have just heard that in the question of this dog there was another error; that the sound of the translation was to the effect that the Austrian SS man who is now in Dachau, was to have stated that he wouldn't even kill a dog. There is no word of killing. We are only concerned with an experiment on a little dog who looks at one with a mournful expression in its eyes, that's all.

MR. HARDY: Your Honor, would you please advise defense counsel to ask his question rather than just talk to the witness? He hasn't asked a question yet in that last remark.

DR. SAUTER: The last thing I said naturally was no question. In that case Mr. Hardy is completely correct. It was merely a correction of an error in translation. Naturally I cannot put that in the form of a question; I can only make a statement.

MR. HARDY: Your Honor, may I suggest that these corrections of translations could take place after he finishes his redirect examination?

THE PRESIDENT: It might well be convenient if those corrections were written out, typewritten, and handed to the Tribunal and to opposing counsel at one time.

BY DR. SAUTER:

Q. Dr. Ruff, I should like to draw your attention, to another document and should like to ask you to tell us how exactly you interpret that document; in other words, what

conclusions you derive from it. This document can be found in Document Volume Number II on Page 79. This is a letter by Dr. Rascher to the Reichsfuehrer SS. It is dated the 11th of May 1942. If you will look at the second paragraph, you will find that it starts with the words, "tonight..." and there you will find the sentence and I quote: "He (and that means a certain Dr. Fahrenkamp) intends to report to you about his own opinion regarding my heart experiments."

THE PRESIDENT: Can you give us the page in the English Document Book of this document?

THE INTERPRETER: This is found on Page 74 of the Document Book Number II.

DR. SAUTER: Page 74 of the English Document Book, second paragraph, middle of the second paragraph. ".... He intends to report to you about his own opinion regarding my heart experiments Dr. Fahrenkamp gave to you himself. From our conversation (Dr. Rascher's conversation), I have the impression that a great field of work will open up to me yet."

BY DR. SAUTER:

Q. Dr. Ruff, if you now compare this quotation to the intermediate secret report which Rascher submitted to the Reichsfuehrer Himmler before your official reports, behind your back, won't you find a clear confirmation that these experiments of which you are now speaking to us were special experiments of Rascher's and were always actually claimed by him as being his own experiments, having nothing at all to do with your experiments?

A. This letter, Document No. 220, which you just submitted to me, is the accompanying letter to the intermediate report dated the 11th of May. This is the

secret intermediate report dated the 11th of May and addressed to Himmler. In my opinion it becomes clearly evident from the paragraph that in the case of these heart experiments they are concerned with Rascher's experiments; and it furthermore becomes evident from that paragraph that Rascher intended to carry out yet a large number of experiments in order to clarify these questions. Of this opportunity, however, he was deprived by the transport of the chamber back to Berlin.

Q. Now, a last question, Doctor. In all the letters which reached me and in all affidavits which I have submitted to the Tribunal, you were described to us as a particularly conscientious and careful researcher and a man filled with a love for truth. Doctor, within five or six months, during which you have been in solitary confinement, you had sufficient opportunity to search your conscience and to ask yourself whether, during these Dachau experiments in which you were mixed up in such an unfortunate manner, you acted justifiably or whether you committed a mistake.

At the end, Doctor, I want to ask you about this-- and don't think now about the end of the trial but just give me your answer as a man who loves the truth. Please answer the question, if today from the point of view of your conscience you are now judging your acts at that time, if you yourself take your conscience into account do you feel today that you acted correctly, or is it your feeling today that you committed crimes; that you committed an error? Will you please answer this and tell the Tribunal honestly and openly in the conclusion of your examination?

A. I can assure you that even after serious deliberation I have a free conscience. If I have made a mistake,

it was only perhaps that I gave my approval to working with a man like Rascher; but that Rascher was a criminal I found out only after the war and chiefly during this trial. In the year 1942 when these experiments took place, I knew nothing of all that. Rascher to me meant the serious officer who never gave any occasion for criticism; and if his superior considered him to be a seriously-thinking officer, I certainly could not think of judging him as a criminal.

The conditions under which the experiments were carried out in Dachau on voluntary people, on professional criminals, in my opinion were not objectionable; and that is even my opinion today. The manner in which the experiments were carried out was unobjectionable. They were carried out scientifically, prepared scientifically; and they were necessary. After all these considerations I can even today say that my conscience as a human being and as a researcher is free.

DR. SAUTER: Mr. President, I have no further questions on the reexamination of the defendant Ruff.

MR. HARDY: Your Honor, I have some other questions to put to this witness before he is dismissed from the stand.

THE PRESIDENT: The Tribunal will now be in recess until 1:30 o'clock.

(A recess was taken untill 1330 hours.)

AFTERNOON SESSION

The Tribunal reconvened at 1330 hours, 30 April 1947.)

THE MARSHAL: The Tribunal is again in session.

DR. SIEGFRIED RUFF - Resumed

RECROSS EXAMINATION

BY MR. HARDY:

Q Dr. Ruff, in clarification of this translation, the word "aero embolism", you have implied that aero-embolism is not a constant feature of the condition known as pressure drop sickness, also known as decompression caisson disease, or the bends. Now, in fact it is not only a constant feature of it, but in English it is actually used as a synonym. Now I would like to show you and the Tribunal a standard medical dictionary, namely, Dolans American Illustrated Medical Dictionary published by W. B. Sanders in 1944, and on page 214 you find that bends is a name for caisson disease, also for aero-embolism. This makes the translation as set forth in the English here perfectly correct. In addition, caisson disease is defined on page 448 as, and it states, "it is due to the release of bubbles of atmospheric gases in the body." Now, this caisson disease is also synonymous with your pressure drop disease, both of which are caused by decompression. Then you find decompression defined on page 410 of this same dictionary, which states, "the removal of pressure or compression force, particularly the slow removal of pressure from deep sea divers and caisson workers to prevent the onset of bends."

Now, Dr. Ruff, we have here a German dictionary —

A Let me say one thing about the definition you just read to me.

If the translation of that definition was heard correctly, then the definition in that dictionary is altogether wrong, because both the caisson disease and the bends do not arise if the pressure is gradually raised or rather, lowered. On the other hand, these diseases occur if the change of pressure is relatively rapid. For this reason there are legal regulations of how caissons are to be used, for instance, at what

rate the pressure in the caisson is to be reduced, namely, a change of 1-2 atmospheres cannot be made in less than half an hour. In other words, if the translation of the definition you read was correct, then that definition in the dictionary is wrong.

Q Well, now, here you find a German dictionary wherein we have marked this. I would like to have you read this as marked. This is a standard German dictionary, Meyer's. Where it is marked there -- I have it marked for you, doctor. Would you read that definition, please. Would you read that aloud, please.

A (Dictionary handed to witness) "Caisson disease occurs in persons who are subject to a high air pressure, workers under air pressure, and such people. (The laws for the protection of workers should be referred to, page 771.) The sudden appearance of gases absorbed by the blood at higher than normal pressure when the pressure is suddenly reduced, leads to obstructions and stoppages which cut off parts of the body from blood circulation. This is fatal in the brain, causes hemorrhages in nose, stomach and so forth. Compare also mountain disease, and see also professional diseases in the same dictionary." This is Meyer's Konversations Lexikon of the year 1925. At this time very little was known about pressure fall disease if anything at all. Here again the same mistake is made that has occasionally been made here in the trial. Here the caisson disease, for example, is brought into relation with mountain sickness. Now mountain sickness is an altitude sickness which rests on a lack of oxygen, whereas the caisson disease, rather the symptoms that result from caisson disease, result from the change of pressure. Now, the confusion of these two terms in this dictionary shows that the editor of this particular definition was not an expert in this field.

Q Well, now, these three dictionaries, the two I called to your attention so far, do show that the pressure drop disease, decompression disease, the bends, caisson disease and aero-embolism, are used interchangeably with each other, don't they, the dictionaries do? However,

you maintain that these dictionaries are incorrect, is that right?

A. The dictionary that I have here before me is certainly not correct, and I've already told you what things can be compared, namely, pressure fall disease, caisson disease and the bends can be compared with one another. They are altogether similar. They arise roughly in the same manner only with the difference that the differences in pressure in aviation are less than one atmosphere, because the pressure of zero atmospheres is reached only at the height of 400 kilometers, namely, where you reach the total vacuum of outer space. In caisson disease, on the other hand, work is done under some circumstances under a pressure of two, three or four atmospheres. In other words, the difference in pressure in caisson disease, or in caisson work, is much greater than a difference in pressure that is possible in aviation. That is the reason why the symptoms of caisson disease are more severe than the symptoms of pressure fall disease in aviation. But in principle you can equate these three diseases, namely, pressure fall disease, bends and caisson disease. But there is a quantitative difference though the causes of them are by and large the same.

A. (Continued) Now what you cannot equate with these three diseases is air embolism because, as I said this morning, there is air embolism not infrequently in the case of operations. And, this air embolism in the case of operations can have nothing to do with any change of air pressure. In other words, this is something quite different. On the other hand it is correct that in the disturbances after reduction of pressure air embolism can occur. They do not necessarily have to but they may. In other words you cannot equate caisson disease or pressure fall disorders with air embolism.

Q. Well, now was Dr. Rascher, when he used air embolism, was he using it correctly in his sense.

A. When he said - I don't know just where he said it if he said it - that an air embolism had been discovered; then he actually had found in the heart or in a blood vessel greater or smaller amounts of air, and that is air embolism.

Q. Well, let us go on and get your opinion of this other definition in another dictionary. This is Taber's Encyclopaedia Medical dictionary, and under bends, on page B 20, records: "Bends (caisson disease)" and then it states as follows:

"Pain and weakness caused by increased atmospheric pressure. This brings about the absorption of atmospheric gases other than oxygen, particularly nitrogen. Release of pressure releases this nitrogen from solution in the blood and causes formation of gas bubbles in the tissues. Treatment: Decompression or increased pressure reapplied until nitrogen is redissolved in the blood when gradual sustation of the pressure is induced."

THE PRESIDENT: Counsel, there seems to be some trouble with the translation.

MR. BROWN: You are going much too fast.

MR. HARDY: We will repeat. "Pain and weakness caused by increased atmospheric pressure. This brings about the absorption of atmospheric gases other than oxygen, particularly nitrogen. Release of pressure releases this nitrogen from solution in the blood and

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causes formation of gas bubbles in the tissues."

Then they have here "Treatment: Decompression or increased pressure reapplied until nitrogen is redissolved in the blood when gradual sustation of the pressure is induced."

Now, doesn't that convey the same thought that pressure drop sickness, decompression disease, the bends, caisson disease, and air embolism are used interchangeably?

A. Now, first of all, if the translation was correct I heard the statement that raising of pressure causes molestation. That is not so; it is the reduction of pressure that can cause suffering, because when I rise up in the air I do not raise the pressure but I lower it, and in caisson disease difficulties do not arise when pressure is increased, namely when people go into the caisson but symptoms occur when the workers leave the caisson. In other words, when the pressure on them is reduced.

Q. Well, now let's go to the next. The Encyclopaedia Americana has a very elucidating paragraph written by no less a man than Smith Ely Jelfy. Now this here - I will read slowly for the benefit of the translator - shows unmistakably that air embolism is a constant feature of decompression disease. This is on page 150. Caisson disease is a disorder popularly known as the bends, occurring among workers in compressed air who are submitted to a pressure of two or three atmospheres, as are tunnel workers. The symptoms of the disease do not appear while the workman is under compression but come on after decompression when some minutes or even hours have elapsed. Symptoms were at first thought to be due to mechanical pressure, which by producing changes in the distribution of the blood, caused congestion of the blood when pressure was removed. This, however, is contrary to the adaptability of body fluids to pressure and does not agree with experimental evidence. The gas emboli theory is now generally accepted. According to this theory, blood in compressed air absorbs an increased amount of oxygen and nitrogen, which under compression is distributed

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to the fluids of the various parts of the body. If now rapid decompression takes place, bubbles of gas form in the blood more rapidly than the gas can be cast off by the lungs, and numerous capillary emboli result. These then cause pain in local regions, either by direct or mechanical force, or by cutting off the local blood supply. There may be more or less general pain involving two or three or all of the extremities and sometimes severe abdominal pain with prostration, which in rare cases results in unconsciousness, collapse, and death. These symptoms are due to the presence of spinal cord or brain lesions - the results of the gas emboli in the blood vessels of the central nervous system. Vertigo with deafness and labyrinth hemorrhage are sometimes present and probably point to embolism in the labyrinth. Dyspnea in the sense of constriction in the chest are also sometimes present but not always fatal. The most successful treatment is that of recompression with gradual decompression carried on in a mechanical air lock. This is now required by law in some countries. Prophylactic measures are carried out by careful examination of the workmen and the elimination of those unfitted for work in compressed air. Predisposing factors are youth or too advanced age, alcoholism, organic disease, or fatness. New men should be given short shifts and workmen should be carefully supervised. Fatigue is also a factor. Certain countries and states already have laws regulating shifts and providing for gradual decompression gaged according to pressure undergone, which are the chief preventive measures."

Now, can it not be said in view of that that air embolism can have other causes, but caisson disease is always due to air embolism?

A. First of all, since you spoke a little too fast the translation was somewhat fragmentated. The first part you read corroborates what I said a little while ago. In your other dictionary you read that caisson disease arises through the increase in pressure.

THE PRESIDENT: Witness, it appears to the Tribunal that these rather complicated and technical translations may not make the matter clear to the witness. I think these definitions as read by counsel

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should be carefully translated into German and with the English volumes be submitted to counsel for the defense, so that he may study them and make his answers more intelligent and more satisfactory to all concerned.

MR. HARDY: I will do that at a later date, Your Honor. At this time I merely wanted to point out that it is consistently in most dictionaries a synonymous term.

THE PRESIDENT: We understand that. We understand your position, but the question is whether or not the witness, having had these translations read to him only, whether he thoroughly understands the definition and is competent to discuss them. That could be done at a later time with those carefully made translations, with the English dictionaries for examination by defense counsel, should be furnished to the defense who may be allowed to consider them and discuss them later.

Q. Professor Ruff, this report which is document NO-402 -- when did you and Rosenberg and Rascher write that report?

A. I didn't write this report at all. The report was written by Rascher and Rosenberg. I simply signed it.

Q. When did you receive the report, to sign it?

A. When was it finished?

Q. Well, what date? Can you tell me that? Do you know off-hand? The report is dated 28 July 1942.

A. The date is as you said it -- the date is on the report.

Q. Then in other words, Ruff and Rosenberg wrote this report and then submitted it to you. Did you at any time offer any suggestions for this report?

A. Rascher and Rosenberg wrote this report and gave it to me to be countersigned.

Q. Well, did you have any corrections or anything to say about the report, or did you first of all see a draft of the report and then have an opportunity to correct it?

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A. It is possible, but I can't tell you that in detail today. But, I have already said in my direct examination that through my countersignature I took responsibility for the scientific deductions set forth in this report. That is the meaning of my signature.

Q. And even after having heard of the deaths at Dachau you were still willing to associate your name with Rascher on this report?

A. We had to issue a report on these experiments in some form or another. We had to report on what had been done there. That this report was signed by the two workers that worked on the experiments is of course quite understandable, and moreover it was regular procedure that the leader of the institute would have to put his name to it also. The fact that I knew Rascher had carried out experiments and had deaths did nothing to change this.

Q. Well, now as a result of this work, Dr. Romberg received a medal, didn't he -- the War Merit Cross, I believe?

A. After he visited Himmler in the Fuehrer's Headquarters, a few weeks or months later, he received the War Merit Cross, Second Class.

Q. Did you also receive one?

A. No, I didn't.

Q. Who recommended Romberg for the War Merit Cross?

Did you recommend him?

A. No.

Q. Well, who recommended him?

A. I have seen from the documents that that on Rascher's suggestion, at least, I think that's to be found in a document; namely, Sievers made this recommendation. I am not sure of that, but that seems to be my recollection.

Q. It could have been Rascher, however, that recommended him, couldn't it?

A. I can't tell you.

Q. However, you were not recommended for the War Merit Cross to Himmler -- just Romberg -- is that right?

A. No, I was not suggested for that decoration. There was no reason to either, because if any one was to be suggested for a decoration because of this experimentation it certainly wouldn't have been I because I didn't carry out these experiments. I was simply the Chief of the Institute.

Q. Well, suppose you had not sent this low pressure chamber to Dachau how would they have carried out the experiments?

A. I don't understand that question.

Q. Well, if they didn't have a low pressure chamber in Dachau then there wouldn't have been any low pressure experiments in Dachau obviously.

Q. The low pressure chamber came from your institute?

A. The low pressure chamber was the property of the Medical Inspectorate and, on Hippke's approval, was sent to Dachau.

Q. And it was Professor Weltz that requested that the low pressure chamber be brought to Dachau?

A. I didn't know that.

Q. I'm asking you that.

A. I repeat, I knew nothing to the effect that Prof. Weltz had asked that the low pressure chamber be taken to Dachau.

Q. Well, it actually was your low pressure chamber, assigned to your institute, wasn't it, owned by the Luftwaffe?

A. No, that was not a low pressure chamber of our institute. It had just come from the firm and was to be used in the Versuchsanstalt fuer Luftfahrt. It was to be equipped with the inter-com system and so forth. It was not actually assigned to our institute for use, but just so we could make these alterations in it.

Q. Well, who was it assigned to? Was it a new one that had just been built?

A. It was a new chamber that had just been manufactured by the firm, and which was sent to us at the institute because we, on the orders of the Medical Inspectorate, were to put in the inter-com system and the oxygen system. We, in this case, means the Versuchsanstalt fuer Luftfahrt, which had the experts and technicians who usually put this same sort of equipment in air planes.

Q. Well now in summation, how did you happen to become involved in these experiments at Dachau?

A. In my direct examination and in my cross-examination by you this morning, I said several times that in 1941,

about December, Professor Weltz visited me in Berlin in my institute.

Q. Well, had it not been for Professor Weltz' visit you would not have gone to Sachau, is that right?

A. That's possible yes.

Q. No further questions, Your Honor.

THE PRESIDENT: Any other questions of this witness by defense counsel in connection with the cross-examination?

DR. SAUTER: Mr. President, it was my intention to ask the defendant Ruff a number of questions to clarify the question of embolism, since the question has been pursued so stubbornly by the prosecution; however, I shall wait to see what clarification of this point the prosecution later submits and, for my part, I shall make the necessary counter-clarifications and submit them to the Tribunal in writing. I believe that would be better, than if we should here discuss a problem about which lawyers, in effect, cannot take any attitude. However, I should like to point out one thing. This morning the question, so far as I appraised it, was not whether the word "embolism" could be translated by such and such a word, or whether it meant this or that, but what struck me as important was that the principal question that in a document where the word "embolism" is not found the word "embolism" is added, and that the German translation is given to us with the usual certification that it is a verbatim copy. To that I objected to-day. I shall not make any further statements on this subject, but shall simply ask the witness Ruff one or two further questions.

MR. ARDY: I want to clarify to the Tribunal this ambiguity that Dr. Sauter is trying to more or less imply that we stuck the word "Air-embolism" in a document to

create a confusion. I have checked up with the Translation Division and the translator apparently at that time - she isn't here at this time - but the Chief told me that the Translation Division, when they come across such a word and they have two meanings or another meaning, that they put in parenthesis an alternative meaning, and this here is just another meaning or another translation for the word in German. That's how the confusion arose. It was not put in to confuse the Bench or to create an interference as Dr. Sauter is trying to put forth here.

JUDGE SEBRING: Mr. Hardy, when that expression appears it has appeared in several of the documents - and when that appears should not that fact be made apparent to the Tribunal?

MR. HARDY: Yes, it should, Your Honor. But, at this particular time, it was not made apparent to me either, Your Honor, and I obviously went along the same course, but not intentionally.

REDIRECT EXAMINATION

BY DR. SAUTER:

Dr. Ruff, at the end of the cross-examination you were asked by the prosecutor about your responsibility for the defendant Dr. Romberg. You were shown Romberg's affidavit of 1 November 1946, #6. This is in Document Book #2. #6 reads:

"I witnessed the death of three of Dr. Rascher's human experimental subjects during the experiments. The first death occurred in the latter part of April. On this particular occasion I was studying the electrocardiograph of the human experimental subject then being tested. After the death of this human experimental subject I raised objections to Rascher and also informed Ruff concerning

the matter. Thereafter two other deaths occurred on different days in May."

You were asked whether this Romberg was your co-worker and whether you were his superior, and you answered these questions in the affirmative. You were then asked if you were responsible for what Romberg did and you also answered that in the affirmative. Now, tell me what your point of view previously was and what your point of view now is with regard to this question: Dr. Romberg received a very precise working program from you regarding what he was to do with Rascher. Outside of this work program, Dr. Rascher carried on experiments of his own behind your back. Now, in the experiments that took place according to the program nothing happened, but in Rascher's own experiments something did. Now, I want to ask you, in view of what you were charged with this morning, is it your point of view that your responsibility for your co-worker, Dr. Romberg, regarding the Dachau experiments - speaking now entirely in general- extends so far that you would consider yourself responsible for any possible cooperation by Romberg in Rascher's own experiments, or is it your point of view that you knew nothing of these matters, that you didn't approve these matters, and that, accordingly, you are not responsible for what Romberg did in that field? Now, please think about that and answer.

A. Dr. Sauter, I believe that is a question which I, as a physician, can answer only with great difficulty. I believe that is a purely legal question. I personally do not feel myself responsible which I neither requested, nor approved or knew of, but, that however, is my personal opinion and I believe the question is a purely legal problem.

Q. But, in your personal opinion, it is a matter of

course to you that you are not responsible for what Romberg did under those circumstances?

A. Yes, that is my personal opinion.

Q. Now, in this question of responsibility I should like to bring up something else, Dr. Raff. You signed the one report officially which Romberg and Rascher drew up. You co-signed this report, and you told us this morning that you thus undertook a certain responsibility for this report. I believe you said that you took the responsibility for this report. I believe you said that you took the responsibility for the scientific evaluation of the results of those experiments.

A. I said that I thereby undertook the responsibility for the scientific conclusions that were drawn from the experiments described in the report, the theories that the two workers pursued when they drew their conclusions from the experiments. I said that I agreed with those theories and, to that extent, also personally take over the responsibility for that.

Q In other words, you undertake the responsibility for the correct evaluation?

A Yes.

Q I ask you this because you were the chief of an Institution. Is it your point of view that by cosigning this report, which two other researchers worked out, you thus take the responsibility for the experiments themselves? In other words that by co-signing this report you take co-responsibility for the experiments, for any irregularities that might have taken place during the experiments, or any harm that might have been done?

A I don't know, but I don't believe that my signature to this report can be construed as my taking responsibility for the experiments. Every scientist knows who reads such a report, if the chief of the Institution has co-signed, every scientist knows that the Chief of the Institution was not present at each experiment and himself carried out the experiments. That is a matter of course.

Q Now, a last question. It was previously said that Dr. Rosenberg had received the Iron Merit Cross, 2d Class. The Judges probably have no idea what sort of a decoration this is. It could be a very high decoration or could be a very low one. Please tell me, is it correct that this is the lowest class of decoration that exists in Germany, the very lowest decoration one could receive?

A That is true as of the year 1942, yes.

DR. SAUTER: No further questions.

DR. WILLE: Wille for Wertz.

BY DR. WILLE:

Q Dr. Ruff, you said on a question from the Prosecutor that without a visit from Professor Wertz to you in Berlin it was inconceivable to you that the Dachau experiments would have taken place; I believe to have understood the meaning of your answer, but I don't want a false picture to be created here. Now, let me ask you, you will agree with me that it was a matter of your own decision that on Dr. Wertz' suggestion

you arranged that the experiments in Dachau should be carried out?

A I have described already several times how these experiments came to be carried out. Dr. Woltz was not my superior. He visited me as chief of the Munich Institute in my institute. We discussed scientific questions and came to speak of the question of rescue from great altitudes, and on this occasion Dr. Woltz suggested that the second half of these experiments should be carried out at Dachau in cooperation with Rascher. I believe that this clarifies the question you asked.

DR. WILLE: But it was very important to me that I should hear this once again in view of the question the Prosecutor put to you.

DR. VORWERK: Vorwerd for Romberg. I have two or three questions.
BY DR. VORWERK:

Q Do you believe, Dr. Ruff, that during the time the chamber was in Dachau, Romberg undertook other experiments than those on the question of rescue from great altitudes?

A I consider that to be out of the question.

Q May I assume that it is your firm conviction that during his stay in Dachau Romberg only took part in experiments which concerned themselves with rescue from high altitudes?

A I assume that to be practically certain.

Q Dr. Ruff, can you tell me who issued Romberg authority for his travel orders when Romberg went to Dachau?

A When an official trip was to be undertaken the person who wanted to carry out this official trip filled out the travel orders, then I signed them for my Institute, and then they went to the management of the Experimental Institute for Aviation and they approved the trip.

Q In this case then so far as the Institute was concerned these travel orders bore your signature and then were passed on?

A Yes.

DR. WEISGERBER: Weisgerber for Sievers.

Your Honor, I should like to ask one or two questions concerning

the relations between Luff and Sievers.

Q The Prosecutor has repeatedly pictured Sievers as a person responsible for the execution of a number of experiments such as are here the subject of the charge. Among these experiments are included the experiments here designated as high altitude experiments, the planning and execution of which are known to you. Now, I should like to find out the following: Did Sievers have anything to do with the planning and execution of the experiments which were carried out in Dachau so far as you know?

A I know nothing of that. So far as I can recall I never heard Sievers name only after the experiments were concluded, roughly at the time when this report, Document 402 was compiled in Berlin. Therefore I had not heard the name Sievers at all so far as I can recollect. In my opinion he can have had nothing to do with the planning of those experiments and certainly not with the carrying out of them.

Q Did Sievers have anything to do with making the low pressure chamber available?

A No, certainly not.

Q Do you know whether Sievers had anything to do with the choice of Dr. Rascher as the person in charge of the experiments?

A I never heard anything to that effect, nor can I imagine that that may have been so.

Q Did Sievers have anything to do with the evaluation of the notes that were taken during the experiments or with the preparation of the reports on the experiments?

A This report that is to be found in Document 402 here was compiled in my Institute in Berlin on the basis of the minutes of the experiments. Now, Sievers was certainly not present when the evaluation of these notes was undertaken, because until I reached Nurnberg here I did not know Sievers at all. Consequently, he could not have been in my institute, in Berlin.

Q I again then would conclude that the high altitude experiments

were carried out without Sievers having to appear at all?

A I have no reason to assume the contrary.

DR. WEISGERBER: No further questions.

THE PRESIDENT: Are there any further questions to be propounded to this witness?

The witness Ruff may be excused from the stand and resume his place.

DR. SAUTER: Mr. President, there are a number of documents which I should like to submit to you which have so far not been submitted. The first, I have an affidavit contained in Document Book Ruff, Document # 3, to be found on page 10 to 11. This will receive Exhibit No. 12. This is an affidavit made by a certain Adolf Voss -- who from the year 1937 until 1944 had worked with Dr. Ruff with some interruptions, and for that reason is well acquainted with his personality and the entire situation. I should like to ask you to take notice of the contents of that affidavit and I shall only read the last and the one before the last paragraph on page 2 of the document.

I quote. Dr. Wieshofer was a collaborator of Dr. Ruff:

"Dr. Wieshofer, who was a very close friend of mine, told me in 1942 or 1943 that experiments were carried out at Dachau behind Dr. Ruff's back and without his consent. Dr. Wieshofer was very indignant about it but he himself had no detailed information on the subject.

"I have always known and esteemed Dr. Ruff as an upright and decent man. Dr. Ruff proved to be an excellent and careful physician when carrying out experiments with me in low pressure chambers. I never felt that any experiment was badly prepared, scientifically or technically, considering the seriousness of the situation. I cannot imagine that Dr. Ruff risked human lives in Dachau in a frivolous and unscrupulous manner, when making experiments in aviation medicine."

So, for the quotation. I ask you to take notice of the rest of the contents. This affidavit is signed in the proper manner and certified.

As the next document I should like to submit Exhibit No. 13, Document No. 7, which is the document to be found on pages 24 to 26 in Document Book Ruff. This is an affidavit by a certain Dr. Hans Georg Clamann. This witness was an Oberregierungsmedizinrat at the Aviation Medical Research Institute and therefore a high medical official in the Luftwaffe. I also ask you to take notice of the contents of that affidavit. The witness mentions that he always held Dr. Ruff's character in high esteem and says that he only heard the best about him in his capacity as a human being as well as a scientist. From the affidavit itself I should like to read the following paragraph and I quote:

"As far as the investigations carried out in Berlin by Dr. Siegfried Ruff are known to me, the overwhelming majority were carried out by him and his collaborators as self-experiments.

"Further volunteers were recruited for experiments only because the number of his collaborators was no longer sufficient owing to the urgency of the investigations.

"Dr. Ruff showed a high sense of responsibility in the investigation

and never demanded more of his colleagues than of himself.

"In view of this experience, it appears to me to be out of the question that Dr. Ruff should have carried out experiments which constituted crimes against humanity."

This affidavit, which I just read, is certified in the proper manner.

The next document will receive Exhibit No. 14, Ruff Exhibit No. 14, and it is to be found in Document Book Ruff as No. 10 on pages 35 on. It is an affidavit made by the university lecturer Dr. Otto Gauer, dated 23 January 1947. This affidavit too is sworn to and certified in the proper manner. I attach particular importance to this affidavit because its author, Dr. Otto Gauer, was not only a collaborator of Dr. Ruff for a long period of years but also because this Dr. Otto Gauer is now in the United States active in the same capacity as a researcher as before in Germany. For that reason Dr. Gauer has a very particular expert knowledge of the matters involved here. In the first part of his affidavit the witness describes the defendant Ruff's personality and I shall not read all that in detail. This is as brilliant a characterization of Dr. Ruff's character as was made by all the other witnesses.

MR. HARDY: Your Honor, might I ask counsel that this notation on the back by Dr. Marx has to do with the authenticity of the signature of the affiant, if it was made at the same time, or later here in Nuernberg. There is no jurat on this document; it merely contains the name of Dr. Marx, who says, "The authenticity of the signature appears to be correct." Does that happen to be a jurat, or what might it be?

DR. SAUTER: May I clarify that point, Mr. President? Counsel Dr. Marx, as you know, is representing a defendant here. Dr. Marx at that time, with my approval, went to Heidelberg and there took this affidavit from Dr. Gauer, which I had arranged for with Dr. Gauer previously. Dr. Marx, if I am not mistaken, had simultaneously obtained an affidavit for the purpose of his own client, which I do not know. Naturally, I did not make this special trip to Heidelberg, but asked Dr. Marx to obtain this affidavit for me.

MR. HARDY: Granted, Your Honor, the defense counsel has authority of the Tribunal to administer an oath and to certify a signature, but I merely want to know if Dr. Marx certified that the signature was correct and saw Dr. Gauer sign it.

DR. SAUTER: Dr. Marx went to Heidelberg for that very purpose. He went there in order to obtain an affidavit for his client and for me from Dr. Gauer. That is the reason why neither I nor any other notary could make this certification, but Dr. Marx who was present when the signature was given.

MR. HARDY: I have no objection to this document. I only wanted to know if it was executed in Heidelberg.

THE PRESIDENT: The jurat signed by Dr. Marx contains no date, no place, nor does it contain a certificate that the witness was sworn. It simply says, "The authenticity of the above signature is hereby certified." As counsel says, no place, no date or any affidavit delivered.

DR. SAUTER: This deficiency of form, which obviously is due to a mistake by Dr. Marx, I shall rectify in the future and I shall see to it that the date and place of this certificate are added by Dr. Marx.

THE PRESIDENT: Very well, counsel may proceed with the document now.

MR. HARDY: Your Honor, inasmuch as Dr. Sauter is willing to testify that Dr. Marx signed this affidavit in Heidelberg and it is merely a mistake in form, I will not protest it and it won't be necessary for him to do that work.

THE PRESIDENT: The counsel for the defendant may proceed.

DR. SAUTER: Thank you very much.

This witness, endowed with special qualifications, Dr. Gauer states in this affidavit, which he made immediately before his departure for the United States, a number of matters referring to the personality of Dr. Ruff. I shall skip the first part since it entirely conforms with statements made in the other affidavits, referring to Dr. Ruff's character. I shall quote from page 3, the center of the page. This is to be found on page 37 of the German document book volume:

"In many dozens of experiments I had the opportunity to learn with what extreme caution and sense of responsibility Ruff carried out the experiments. His supreme principle was never in any way to endanger the experimental subject. I never experienced an experiment in which Ruff carried on the strain longer than was necessary for the solution of a certain problem. In Ruff's published work (Aviation Medicine 3, 225, (1939)), Monography of German Aviation Medicine (in print), there are frequent references to the fact that he refrained from adding to the strain after a certain problem had been solved. Experiments with very great strain and experiments of which the consequences could not be immediately foreseen Ruff carried out on himself first, on principle. It is also characteristic that Ruff, after a rebuilding of the experimental installation on the large human centrifuge always insisted on serving as an experimental subject himself for the first test. This attitude created unlimited confidence in Ruff among his employees and among most of his closest collaborators, who always placed themselves at his disposal for psychically and physical extraordinarily exacting experiments. It was due to Ruff's experience and caution that out of all of his numerous experimental flights and dangerous experiments, as far as I know, not one serious accident occurred. To sum up, it can therefore be stated that Ruff is a highly qualified scientist, who is distinguished by a particular sense of responsibility.

"With regard to the experiments carried out in Dachau, which are the basis of the indictment against Ruff, I think it highly improbable, for purely objective as well and as for personal reasons, that any initiative came from Ruff in this respect, but I presume that it came from the technical side (Technical Office, REM). As far as I know, high altitude experiments were too far on the margin of his real field of interests. His whole attention, as has already been stated, was centered on the problems of high speed flying and catapult installations, the building of which he had to accomplish in the face of ever-increasing difficulties. I presume that Ruff was called to these

Dachau experiments because he was the medical scientist who was best acquainted with the development of the stratosphere and rocket aircraft. As the whole problem of rescue from stratosphere aircraft was a very special science, a short explanation is given, as far as seems necessary to judge the experiments on which the indictment is based.

"The problem of rescue from stratosphere aircraft.

"Importance was attached in Germany much earlier than in other countries to the development of rocket propelled aircraft, which can fly at heights of between 10 and 20 km. Therefore the rescue of air-crews during accidents at such a great height became an urgent aviation medicine problem. These problems, which first became urgent with the development of the Me 163 rocket fighter, retain a great practical importance also for the future, insofar as the development of long distance aircraft for passenger and goods transport will probably culminate in the construction of large stratosphere planes in the not too distant future.

"In stratosphere planes the crew is in an airtight cabin, the so-called pressure body in which the atmospheric conditions necessary for life, such as normal atmospheric pressure, normal temperature and oxygen concentration, are artificially maintained. Outside the cabin the atmospheric pressure is so low, that is, the air so thin, that no human being could live. If the wall of the cabin is damaged, the artificially maintained pressure bursts away, and the crew finds itself with lightning speed in a vacuum corresponding to the altitude of the flight. Anglo-Saxon aviation medicine created for this process the very pertinent expression "Explosive Decompression". In this way the crew is exposed to double danger.

"Firstly, owing to the sudden decrease in pressure the gas-filled cavities of the body expand with lightning speed. Theoretically, there is a danger that the tissues may tear and other mechanically conditioned disturbances may occur; also the emergence of gas bubbles from the body fluids is to be feared, which may cause circulation disorders, paralysis symptoms and necrosis.

"Secondly, the acute lack of oxygen caused by the cabin being no longer air tight, effects after the so-called reserve interval, high altitude sickness, which finally, if the lack of oxygen continues for too long, leads to death by paralysis of the respiratory and circulation centers. Rescue from the stratosphere is only possible by immediate descent into lower, non-dangerous air layers. The question arises here whether the speed of the pilot's descent with an open parachute or the speed of the body falling unimpeded with a closed parachute is sufficient to enable the crew to pass sufficiently rapidly through the danger sphere and to reach the non-dangerous air layers.

The aviation physician whose task it is to clarify the problem of rescue from great heights, has therefore two questions to answer;

"Firstly, are human beings able to endure explosive decompression?

"Secondly, if so, is there a possibility of surviving the lack of oxygen after leaving the 'plane'?

"The first question has been tackled since 1939 in different institutes by self-experiments."

Now there follow a number of tables which I merely ask you to read and I continue reading the affidavit after these tables and I quote again:

"The results were favorable. In particular, the most modern investigation by H.M. Sweeney showed that the resistance of the human body is unexpectedly high against the action of explosive decompression.

"In contrast to the numerous investigations on explosive decompression, the only report about which I know on the subject of rescue from altitudes above 12,000 is the DVL report by Romberg and Roscher which forms the basis of the indictment. The enormous experimental expenditure which was made to clarify the effect of decompression on the human body, and which involved a considerable risk for the experimental subject, only has a real practical sense if the second question finds a real practical solution. If we do not wish to stop half way, corresponding experiments are categorically aided by the above named result."

I shall skip the next paragraph. The witness said, as it was stated before, that animal experimentation is insufficient, and on page 7 you have the results of the experiments he made, and I quote:

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"The experiments were made in connection with self-experiments on the possibility of rescue from maximum altitudes of 12,000 m, carried out by Romberg. The first experiment in the series of experiments yielded an extraordinarily important result. During the jump with an open parachute, the so-called descent experiment, from 12,000 meters consciousness is lost after 1 minute 10 seconds. After descending for a further 3 minutes, the experimental subject awakens and is fully capable of action at an altitude of 8.3 km.

"This is surprising insofar as progressively severe high altitude sickness develops if the experimental subject is exposed to this altitude for 4-1/2 minutes. The process of the so-called "pre-mobilisation" which was observed by previous authors by indication with descent experiments from altitudes lower than 12 km., apparently plays an important and beneficial role at higher altitudes. Its mechanism has not yet been explained. On the basis of this extraordinarily favorable result, the strain was increased step by step in the following experiments. This procedure is usual in experimental medicine. The experiments were finally stopped "because in practice there is no necessity whatsoever to save oneself from even greater altitudes with an open parachute." No death occurred.

"The extraordinarily long periods of unconsciousness are in themselves no proof of a particularly reckless method of experimenting. An experienced altitude research worker is able to judge the actual condition of the experimental subject from the state of breathing and the activity of the heart, and in case of a life-endangering disturbance to stop the experiment by increasing the pressure and administering oxygen. The observer knows that Romberg

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I shall skip the next paragraph. The witness said, as it was stated before, that animal experimentation is insufficient, and on page 7 you have the results of the experiments he made, and I quote:

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"Firstly, are human beings able to endure explosive decompression?

"Secondly, if so, is there a possibility of surviving the lack of oxygen after leaving the 'plane'?

"The first question has been tackled since 1939 in different institutes by self-experiments."

Now there follow a number of tables which I merely ask you to read and I continue reading the affidavit after these tables and I quote again:

"The results were favorable. In particular, the most modern investigation by H.M. Sweeney showed that the resistance of the human body is unexpectedly high against the action of explosive decompression.

"In contrast to the numerous investigations on explosive decompression, the only report about which I know on the subject of rescue from altitudes above 12,000 is the DVL report by Romberg and Rascher which forms the basis of the indictment. The enormous experimental expenditure which was made to clarify the effect of decompression on the human body, and which involved a considerable risk for the experimental subject, only has a real practical sense if the second question finds a real practical solution. If we do not wish to stop half way, corresponding experiments are categorically aided by the above named result."

I shall skip the next paragraph. The witness said, as it was stated before, that animal experimentation is insufficient, and on page 7 you have the results of the experiments he made, and I quote:

DR. SAUTER: In this connection the witness says. I repeat, this to be found on page 42, page 8 of this affidavit, because the prosecution contends these experiments cause special pain:

"If the air pressure is decreased, the concentration of oxygen in the air which is inhaled, correspondingly decreases. The oxygen absorption by the lungs is finally so alight, that the combustion process in the cells can no longer properly take place and the vital functions must cease. At first, the complicated work of the central nervous system is discontinued. First of all spontaneous, and self-control abate, changes of feeling similar to those occurring under alcoholic intoxication take place. Then follow muscular weakness, sleep and unconsciousness. In the final stage of the high altitude sickness the respiratory and circulatory centers are paralysed as by an over-dose of narcosis. In the initial stage of unconsciousness frequent cramps of various kinds can be observed. Unvoluntary contractions of the facial muscles, leading to grimaces, weeping, laughing, etc. may also occur. These phenomena which may make a ghastly impression on people who know nothing about aviation medicine, take their course subjectively without any kind of trouble. The danger of high altitude sickness is especially based on the fact that it causes only few impressive symptoms, above all neither pain nor heavy breathing. It was for just this harmlessness of the symptoms that the doctors of all nations had to make the greatest efforts to convince the air crews by appropriate instruction of the danger and malignity of the high altitude disease.

"Occasionally, especially during longer spells in high altitudes, pains in the joints and wind troubles may occur.

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But they probably did not play an essential role in the experiment put forward, since from the considerable lack of oxygen which was induced, unconsciousness resulted after an average of 30 seconds:

"To sum up:

"Firstly, the question of rescue from extremely high altitudes constitutes a problem of the utmost importance for aviation medicine. The experiments yielded unexpected results which were of importance for technical development.

"Secondly, experiments with animals yield no quantitatively binding values.

"Thirdly, the experiments were carried out on a scientific basis. The experiments were discontinued after a certain practical aim had been attained. No casualties ensued.

"Fourthly, the subjective troubles during experiments with low pressure chamber in high altitudes without oxygen are slight."

The witness in the last paragraph goes on to explain Ruff's self experiments and the self experiments of his collaborators; and he points out that Dr. Ruff always subjected himself first to very dangerous experiments and then the voluntary collaborators of his institute. This affidavit is certified in the proper manner.

I offer as the next document an affidavit by a dentist, Dr. Freitag, as Ruff Exhibit Number 15. This is to be found in Document Book Ruff, Document Number 15, page 57. This is an affidavit of Dr. Walter Freitag, dated the 2nd of January, 1947, which was certified in the proper manner on the 30th of January, 1947.

Dr. Freitag, from June 1939, with some small interruptions, up to the year of 1945, was a collaborator of Dr. Ruff in the latter's institute. He participated personally in a number of experiments and he knows the work of the institute very well. In the affidavit, which I will not read in detail, he describes his impression of Dr.

Ruff's personality, his demeanor during the experiments, and similar matters. I will ask you to take notice of that affidavit; and I shall dispense with reading it since by and large it conforms completely with observations which other witnesses have made of Dr. Ruff's personality and his behavior.

As a further document I offer to you under Exhibit Ruff Number 16, in Document Book Ruff, page 63, Document Number 16, an affidavit by a woman, Franca von Guaita. She is a German national. I beg your pardon, Your Honor, this is not on page 63 but, rather, on page 52.

THE PRESIDENT: What is the number of this document?

DR. SAUTER: Document Number 13; and I gave it the exhibit number 16. I repeat, on page 52 of the Document Book, Document Number 13, Exhibit Ruff Number 16, and affidavit by a woman called Franca von Guaita. This affidavit is signed in the proper manner on the 27th of January 1947. This Mrs. Guaita gets into this matter because she was the head of the Film Department in the DVL, of which Dr. Ruff's institute was a part.

In this capacity she dealt with Dr. Ruff's experiments and often was present during the execution of such experiments. I shall confine myself to reading from the 3rd paragraph on page 1 where it says, and I quote:

"During all the experiments which I filmed, I ascertained that Dr. Ruff and his collaborators exposed themselves first to known as well as unknown dangers. His medical colleagues, as well as colleagues from other research institutes of the German Experimental Institute for Aviation, volunteered as subjects for these experiments, especially during the war; and thus a great many persons took part in dives, among them, I myself, several times, to operate the film camera. Dr. Ruff himself as pilot took part in all dives which affected health, whereas we took part only once a day."

Then the last paragraph of this affidavit reads:

"Thus I know Dr. Ruff only as a man who fought to save other people's lives; and I consider it entirely out of the question that he ever laid violent hands on anybody."

I ask you to take notice of the rest of the contents of this affidavit.

As Exhibit Ruff Number 17, I offer Document Number 12 in Document Book Ruff -- I repeat, Document Number 12 in Document Book Ruff, on page 49 of the German text. This is an affidavit of Dr. Friedrich Kipp, which I am not going to read. I shall merely ask you to take notice of the contents. This Dr. Kipp for four years, from the year 1942 until the end of 1945, was a scientific collaborator of Dr. Ruff. He also confirmed the point that Dr. Ruff basically was performing all the experiments himself as self experiments and then used his collaborators as volunteer subjects. He says that Ruff was very hard on himself but just as considerate and careful towards his collaborators. He says he was a researcher who was very considerate and conscious of his responsibility.

I should also like to ask you to take notice of the next document,
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Number 16 in Document Book Ruff, on page 63 of the German text.
I am giving this Exhibit Number Ruff Number 18. This is the affidavit by Master Mechanic Karl Fohlmeister, the very same master mechanic from whom this work diary originated which I yesterday submitted to the defendant Ruff. I ask you to take notice of this affidavit, which is certified in the proper way.

The witness Fohlmeister from February 1937 until April 1945, that is, over a period of eight years, was a co-worker with the physician Dr. Ruff. As a master mechanic he had a special position of confidence. He described the detailed experiments as they were carried out. He goes on to elucidate the part which Ruff played during these experiments; and I shall confine myself to a paragraph at the end of the first page where it says:

"The principle tasks of the institute were primarily the examination of the afflictions of the human body caused by any action resulting from aerial activity. Of the approximately ten male collaborators of the section, those who were most tirelessly experimented upon were Dr. Ruff, myself, and Dr. Mieshofer, who crashed during a test flight. In this respect, however, the first place goes without any doubt to Dr. Ruff, who always was the first to try out on himself without any personal considerations all the newest experiments. Moreover, his evaluations were always of the highest quality; for instance, those in connection with the effects of centrifugal force. When dives and curves were carried out in the Junker 87, he, as a regular pilot, was the one who was always exposed, while we as experimental subjects, took our turns respectively. In good flying weather, for instance, there was almost continuous activity in the air during which twelve diving and flattening out operations were generally carried out by each individual flight. As already mentioned, however, Ruff always occupied the pilot's seat and flew with each one of us. Operations of this nature have been sufficiently recorded both in pictures and documents. On many occasions I completely lost consciousness during these curvilinear flights. Ruff often suffered from

ocular disturbances and severe headaches in the evening."

The witness goes on to describe the difficult experiments in which Ruff was always the first to participate. In particular, he describes the participation of Ruff in the high altitude experiments with low pressure chamber, of cold going down to minus 15 degrees. Then he concludes his affidavit on his last page with the words: "For ten years all of us in the Institute for Aviation Medicine volunteered for all experiments, and primarily our chief as already mentioned; and we all did it only in the interests of health and to protect the lives of others, without receiving any compensation or other reward. We all considered this as understood. Once General Udet gave my chief and me an extra week of furlough. That was all. Therefore, with regard to my previous chief Dr. Ruff, I can only say the best with a clear conscience. And nothing is more applicable to him than the inscription on a cup which he once got for glider flying instruction which reads: "The deed is silent." This was Karl Fohlmeister's testimony, sworn to in the proper manner.

The next document is the Document Number 17, to be found in Document Book Ruff on page 67 of the German text. This will receive Exhibit Number 19. This is an excerpt from a journal -- I think it is either English or an American journal. I have the original available here.

MR. HARDY: Your Honor, the next document which Dr. Sauter is offering in evidence is an article in a journal, "The Lancet", dated December 7, 1946, 1946: the article written by Kenneth Mellanby, a man who sat here in the first row, an observer of this trial for several weeks. It is merely his opinion. This is a moral issue of this trial, perhaps an opinion of judgment in his behalf, one which was not drawn at the time of the experiments but one drawn now; and I deem it inadmissible in evidence and object to its admission.

THE PRESIDENT: While, Counsel, some matters contained in this proposed exhibit might be proper matters of argument if counsel for

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the defense is desirous of so using them, I do not see that this is properly admissible as an exhibit. It contains no evidentiary matter.

DR. SAUTER: Mr. President, in this trial one can be of a different opinion regarding many issues. You know very well that I hardly submitted any excerpts from literature. In this case, however, I made an exception. That, because this article in a journal originates from a man who himself belongs to the Tropical Hygiene Institute in London; I am sure that he is an expert of highest rank. I am sure that he is an expert who has maintained a certain amount of objectivity in such subjects that form the subject of this trial. However, I shall abide by your suggestion and I shall revert to this matter in my final plea when I shall show you what the conception of unobjectional physicians on the Anglo-Saxon side on these experiments. I shall corroborate that in my final plea.

The next document, Your Honor, which I am going to submit to you can be found in Supplement No. 1 to Document Book Ruff. It bears Document No. 18 of this supplemental volume and will get exhibit No. 19. This is an affidavit by diploma engineer Heinz Ernst Lesser, who for eight years was a co-worker at the institute of Dr. Ruff. This affidavit was sworn to and certified in the proper way. I ask you to take notice of its entire context and I shall only read page 2 of this affidavit, the center of the page, and it reads:

"I thought it particularly praiseworthy that Drs. Ruff and Romberg carried out all experiments on themselves before they repeated them on other persons who volunteered. The work carried out by Dr. Ruff and Dr. Romberg, as well as those of the other physicians of the German Experimental Institute for Aviation, have contributed towards the solution of many problems of aviation medicine, the greater part of which until 1936 had not been solved and thereby many flying accidents, particularly those due to high altitude unconsciousness, were explained.

"All experiments carried out at the order of the German Experimental Institute for Aviation were made with persons who had volunteered."

The witness goes on to describe in detail that the

method developed by Rascher and Romberg was, as he said, an immense contribution for the decrease of death resulting from high altitudes. According to his experience also, he said, the experiments involved no danger whatsoever, and he goes on to say that he was ready at any time to subject himself to any such experiments under the leadership of Dr. Ruff. He goes on to describe the extraordinary care which Drs. Rascher and Romberg showed towards all experimental subjects.

As a further document I am going to submit an affidavit of General of the SS Karl Wolff. This is to be found in Supplement III, taken in London on 21 November 1946 and sworn to and certified in the proper way in Nuernberg on 27 March 1947.

The record of this affidavit was submitted to you as a document mainly because the witness, without himself having participated in the Dachau experiments in any way, can testify completely objectively about the quality of the experimental subjects. I am not going to read the affidavit in detail. He first explains the research spleen of Reichsfuehrer-SS Himmler and then he goes on to say that the initiator of these experiments at Dachau was Dr. Rascher - the mental originator of these experiments. And then he speaks about the quality of the experimental subjects. That is on page 3 of the original, first paragraph. I quote:

"In order to clarify and to stop such accidents in the future a number of junior members of the Luftwaffe had volunteered with their own person for experiments. Now, he said, sometime ago Dr. Rascher had had the idea to use volunteering inmates of concentration camps instead of the valuable members of the Luftwaffe which could be assigned to better tasks. Of course, favors would have to be granted to these inmates as a compensation, after about a dozen experiments, for instance, release from custody and front assignment. He, Himmler, he said, had gladly accepted this suggestion of Dr. Rascher and had granted permission to carry it out. He continued that he was very much interested in these experiments and therefore that he thought it very important that

I witness the experiment we were going to see, in order to be able to talk about it to the Fuehrer at a suitable occasion. And that is what I did. The Fuehrer was very glad about it. As far as I remember, the short report I gave him also resulted later on in the release and front assignment of these inmates.

"Therefore, Himmler was altogether responsible for making possible the execution of the experiments in the concentration camps, while Dr. Rascher was the executive head."

I think that I can skip the next paragraph; then the witness says:

"Right after the arrival of Himmler in the concentration camp Dachau Dr. Rascher started with his experiments. About ten prisoners were standing in front of their barrack. They looked quite detached and one after the other they climbed willingly into the low pressure chamber which was built into an automobile. Each experiment took only a few minutes, in accordance with the height that was imitated and with the normal falling speed of the human body.

"After they had left the low pressure chamber, it took the prisoners only about two minutes until, lying on a blanket on the floor of the barracks, they had recovered from the short endurance test. After that, in the knowledge of what they had just achieved, they became actually confiding. None of them were political prisoners; they were all rightly and lawfully declared to be unworthy for military service because of a strong criminal record (thieves and such).

"They emphatically assured Himmler in my presence that in this manner, after a request to get a chance to prove their value at the front had been rejected, they at least made a voluntary, modest contribution for Germany with their own person, and that thereby they wanted to prove their good will which really existed. Thereupon Himmler promised them to use his influence with the Fuehrer to obtain their release and the front assignment they wanted. It results, for instance, from the letter of Dr. Rascher to Dr. Brandt of 20.7.42 that Himmler, in fulfillment of his promise, decided on 14.7.42 really, that the prisoner Sobota and two

other co-prisoners were to be released from the concentration camp and transferred to the trial unit (Bewachungstruppe) 'Dirlewanger'.

"Had these guinea pigs been involuntary, then Himmler, in view of the inhuman treatments which in that case would really have taken place, could never have afforded to take the risk of these people going over to the enemy during a combat assignment of this 'Dirlewanger' unit.

"As far as I recollect, I have gained no knowledge from Himmler or from any other sources of the fact that later on low pressure experiments, for instance, were carried out on inmates on a non-voluntary basis."

The further statements of the witness show the same trend and I do not intend to go into them in detail.

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THE PRESIDENT: Counsel, what number of exhibit do you assign to this document?

DR. SAUTER: I beg your pardon.

THE PRESIDENT: What Exhibit number did you assign this document?

DR. SAUTER: The testimony of Wolf has Exhibit #20.

I then have a number of documents which have not yet returned from the Translating Branch and I shall submit them at a later date. Among those is the extract of the penal record about our witness Vieweg. If you remember, this is the witness who didn't know whether, excepting one sentence, he had previously suffered any other sentences. In the meantime, I have received his criminal record and I found confirmed what I had assumed from the start; namely that the witness already before had suffered seven sentences, including one of five years' penitentiary. This is one of these people who are now going around the country claiming to be political prisoners, and who offered himself here in this trial as witnesses. I shall submit this criminal record to the Tribunal.

MR. HARDY: Your Honor, as I understand it now, Dr. Sauter has one more book that book is Book #4. That is the one we haven't received.

THE PRESIDENT: That is my understanding.

MR. HARDY: And then now, in Document Book #2, he has an affidavit under "Ruff Publications", or is it supplement #1? Does he intend to introduce that? I haven't given it an exhibit number yet.

DR. SAUTER: I have already done that during the course of the examination of the defendant Ruff. I think this is Exhibit #8 if I'm not mistaken. Yes, I think it is #8.

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MR. HARDY: No. 8 is another one. That is the affidavit of Schroeder. This one here has not been introduced yet.

JUDGE SEBRING: Counsel for the prosecution is referring to

MR HARDY (Interrupting): Document 19.

JUDGE SEBRING: Document #5, I think, counsel.

MR HARDY: I have missed it then. Thank you Your Honor.

DR. SAUTER: Mr. President, this brings me to the end of the submission of my documents, and I further make the application which I have already made in the past that we carry out here a practical experiment, using a low pressure chamber, in order to convince ourselves here how such an experiment, using a low pressure chamber, in order to convince ourselves here how such an experiment is being carried through and what its effects are. In Heidelberg, not too far from here, there is such a low pressure chamber. The defendant Dr. Ruff and other defendants have already worked in this low pressure chamber. This mobile low pressure chamber, located in Heidelberg, can be brought to Nurnberg without any difficulty. Some such experiment can be carried out in a courtyard of the Palace of Justice and it will considerably make the Tribunal's tasks easier if it can convince itself about such an experiment. We have a number of experts who can be in charge of that experiment. There is an American medical center at Heidelberg where a number of experts are located. The defendants Ruff and Romberg are available for this experiment and are ready to subject themselves to it. I have received a number of telegraphic offers from a dozen former collaborators of Dr. Ruff that they would be glad to make themselves available here as experimental subjects. Among them is this witness Mrs. Guaita who,

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earlier in her capacity as film director, had participated in these experiments. I should like to consider this my application for having such an experiment performed here and then, Gentlemen of the Tribunal, you will convince yourselves that, in case these experiments are planned and executed in a scientific manner, they are harmless and non-dangerous and not painful to an extent that any one of us persons here in the court room could subject ourselves to any such experiments.

JUDGE SEBRING: Counsel, is the experiment you propose the one you say that Dr. Ruff performed? That one or one of Dr. Rascher performed? Which one you propose to show here?

DR. SAUTER: Dr. Ruff's experiments, the experiments that Dr. Ruff has performed. The experiments of Rascher do not concern us.

MR. HARDY: Your Honor, it is my understanding that the Tribunal has ruled on this once.

THE PRESIDENT: The Tribunal has ruled on this point, denying the application made for the defendant Ruff, and the Tribunal is of the same view. The application is denied.

The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(A recess was taken until 0930 hours, 1 May 1947).

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